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ACTS AND STATUTES

Made in a

PARLIAMENT

Begun at *Dublin* the Twenty First Day of *September*,

Anno Dom. 1703. In the Second Year of the Reign
of Our Most Gracious Sovereign LADY

K. Ireland.
Queen ANNE,

Before His Grace *James Duke of Ormonde*, Lord Lieutenant General and General Governor of *Ireland*: And continued by several Adjournments and Prorogations to the Twenty Third of *June*, 1707.

AND

Continued under His Excellency *Thomas Earl of Pembroke*, Lord Lieutenant General and General Governor of *Ireland*, by Prorogation until the Sixth of *May*, 1708.

AND

Continued under His Excellency *Thomas Earl of Wharton*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Fifth of *May*, 1709.

AND

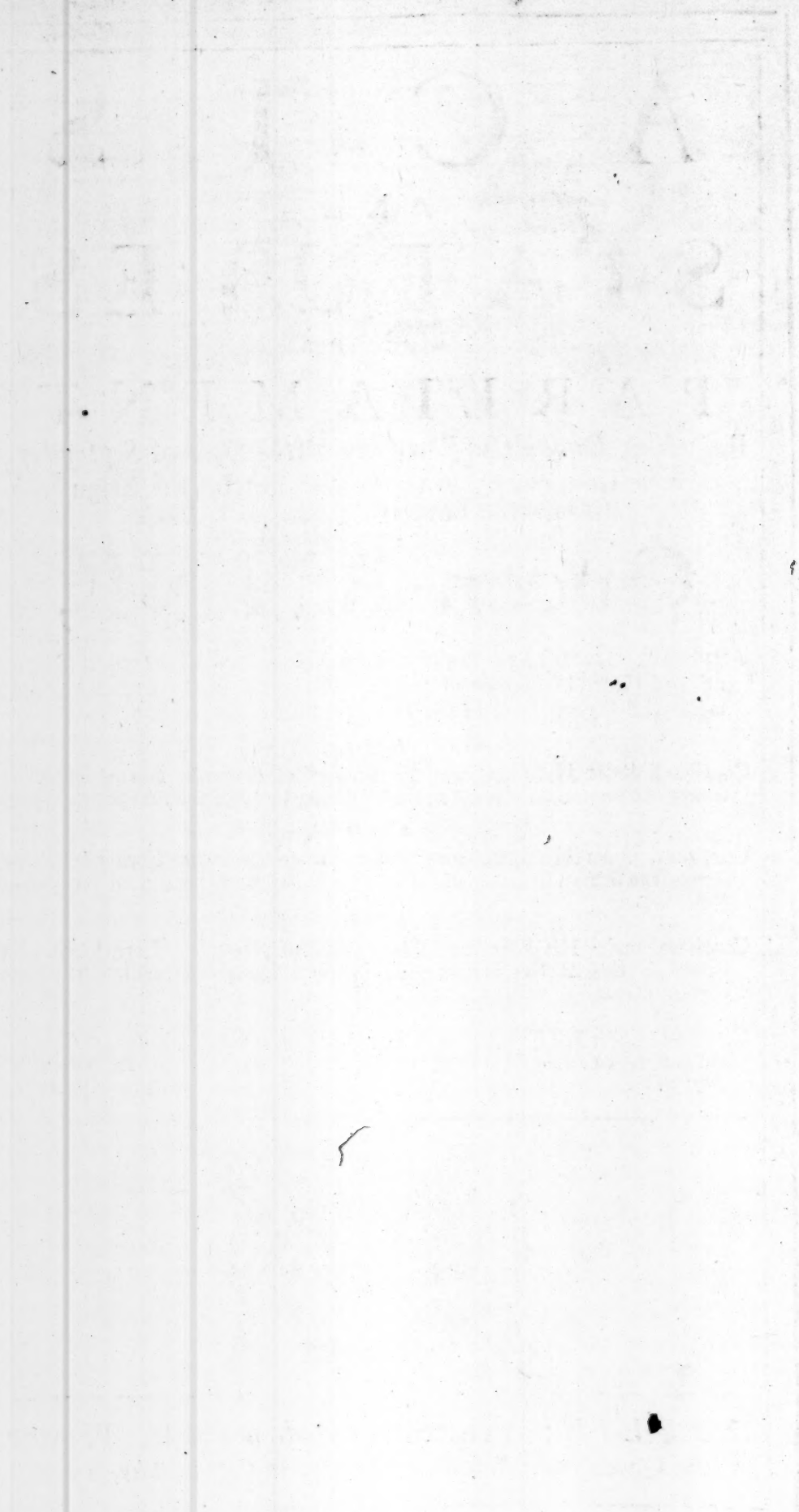
Continued under His Excellency *Thomas Earl of Wharton*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Twentieth of *May*, 1710.

AND FURTHER

Continued under His Grace *James Duke of Ormonde*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations until the Twelfth of *July*, 1711.



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to the Queen's most Excellent Majesty, in *Copper-Alley*, 1728.



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ACTS and STATUTES Made in a Parliament,
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 In the Second Year of the Reign of Our most Gracious Sovereign
 LADY Queen ANNE, Before His Grace JAMES Duke of
 ORMONDE, Lord Lieutenant General and General Governor of
 IRELAND.

CHAP. I.

An Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors.

CHAP. II.

An Act for Encouraging the Importation of Iron and Staves.

WHEREAS the great Duties laid on Foreign Iron are a great Dis-
 couragement to the Importation thereof, and tend to the Lessening
 of Her Majesties Revenue, and to the Destruction of the Woods of this
 Kingdom.

And whereas there is great scarcity of all sorts of Timber in this Kingdom, and
 the great Duties laid on Hops, Bark, Laths, and on Staves Imported, for
 making Barrels, Pipes or Casks, are a great hindrance to the Importation thereof.

For the Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty,
 by and with the Advice and Consent of the Lords Spiritual and Temporal, and
 Commons in Parliament Assembled, and by Authority of the same, That from
 and after the First Day of November, in the present Year of our Lord One thou-
 sand seven hundred and three, all Duties payable by any Law, for unwrought
 Iron, Bark, Hops, Laths, or for Barrel-Staves, Pipe-Staves, Headings, or
 other Staves or Timber, to be made use of for making Casks, shall wholly cease
 and determine: And that from thenceforth there shall be paid to Her Majesty, Her
 Heirs and Successors, for such unwrought Iron, Bark, Hops, Laths, Barrel-
 Staves, Pipe-Staves, Headings, or other Staves or Timber, to be made use of for
 making Cask, the Duties following, and no other; (that is to say) For every
 Tunn of Iron to be Imported into this Kingdom, from and after the First Day of
 November, in the present Year of our Lord, One thousand seven hundred and three,
 the Sum of Five Shillings for Custom, and Five Shillings for Excise, and no
 more; and for every Thousand of such Barrel-Staves, Pipe-Staves, Headings, or
 other Staves, for making Cask, containing Six Score to each Hundred, to be
 Imported into this Kingdom, from and after the said time, the Sum of Six Pence
 Custom, and Six Pence Excise, and no more; and so proportionably for a greater
 or lesser quantity: And for every Thousand of Hops, or Laths, containing Six
 Score to the Hundred, to be Imported, as aforesaid, One Penny, and no more;
 and so proportionably for a greater or lesser quantity: And for every Barrel of
 Bark Imported, as aforesaid, the Sum of One Penny, and no more.

What Duties
 to be paid for
 Iron, Barrel-
 Staves, &c.
 Imported af-
 ter the First
 of Nov. 1703.

And for the preventing the Exportation of Timber out of this Kingdom to any
 parts beyond the Seas, other than to the Kingdom of England, Be it further Enacted,
 by the Authority aforesaid, That from, and after the said First Day of November,
 in the present Year of our Lord, One thousand seven hundred and three, there shall
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 be Exported out of this Kingdom, to any part beyond Seas, other than to the
 Kingdom of England; and so proportionably for any greater or lesser quantity; and
 for every Thousand of Hops or Laths which shall be Exported out of this King-
 dom to any parts beyond the Seas, (other than to the Kingdom of England,) the
 Sum of Five Shillings; and so proportionably for any greater or lesser quan-
 tity; and for every Thousand of Pipe-Staves, Barrel-Staves Headings, and other

What to be
 paid for what
 is Exported.

No Duty for
 Exporting to
 England.

Staves for making of Cask, to be computed as aforesaid, which shall be Exported out of this Kingdom to any part beyond the Seas (other than into the Kingdom of England) over and above all Duties now payable for the same, the further Sum of Three Pounds, and so proportionably for any greater or lesser quantity.

And be it further Enacted, That all and singular the Duties and Sums by this Act granted shall be Paid, Collected, Levied, and Received by the same Persons, and by such Ways and Means, and in the same Manner, and under such Penalties, Provisoes, Restrictions and Regulations as in, and by One Act made in the Fourteenth and Fiftenth Years of His late Majesty King Charles the Second, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be paid upon Merchandizes Imported and Exported into, or out of the Kingdom of Ireland, according to a Book of Rates hereunto annexed. And another Act made in the same Year, Intituled, An Act for the Settling of the Excise, or New Impost, upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted, are directed and appointed, for the Paying, Collecting, Levying, and Receiving the Duties settled and granted by the said Act.

No Duty to be paid for any Timber made up in Shipping, &c.

Provided always, That nothing in this Act contained shall extend, or be construed to extend to impose, or to oblige the payment of any Duty for such Timber as shall be made up in any Ship or Vessel, as part of such Ship or Vessel, or to restrain the carrying or going of the same out of this Kingdom; but that all Timber so made up, as is aforesaid, shall be wholly free and exempt from all the Duties imposed and granted by this Act, any thing herein contained to the contrary in any wise notwithstanding.

And whereas, by one Act made in the Tenth Year of His late Majesties Reign, Intituled, An Act for Planting and Preserving Timber Trees and Woods; It is Enacted, That all persons being Residents within this Kingdom, and having any Estate or Freehold and Inheritance therein, kept or employed under his, her or their Stock, to the value of Ten Pounds by the Year; and every Tenant for Years, who then had Eleven Years of his, or their Terms then unexpired, and who paid Ten Pounds by the Year Rent, or more, should Plant at such times as are therein mentioned, a certain quantity of Oak, Firr, Elm, Ash, Walnut, Poplar, Abeal, or Elder, which Word Elder was intended Alder.

Alder to be planted instead of Elder.

Be it therefore Enacted, That no person or persons who hath or have Planted any Elder Trees, pursuant unto, and in performance of the said Act, and is seized or possessed of any Lands within this Kingdom, shall be Excused from the Penalties in the said Act; unless he or they shall at or before the first Day of April, which will be in the Year of our Lord One thousand seven hundred and five, Plant so many Trees in lieu of the Elder Trees so by him or them Planted, of Oak, Elm, Firr, Ash, Walnut, Poplar, Abeal or Alder.

C H A P. III.

An Act to prevent Popish Priests from coming into this Kingdom.

Whereas great Numbers of Popish Bishops, Deans, Fryers, Jesuits and other Regulars of the Popish Clergy, do daily come into this Kingdom, from France, Spain, and other Foreign parts, under the Disguise or Pretence of being Popish Secular Priests, with intent to stir up Her Majesties Popish Subjects to Rebellion; and for that sufficient proof to convict them cannot be had, they have hitherto remained in this Kingdom, contrary to the Statute made in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, An Act for Banishing all Papists Exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy, out of this Kingdom; to the great prejudice of Her Majesties Protestant Subjects, and to the hazard of the publick Peace.

Every Clergy man of the Popish Religion liable to the

For Remedy whereof, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That every Clergy-man of the Popish Religion, that shall come into this Kingdom at any time after the first Day of January, in this present Year of our Lord, One thousand seven hundred and three, shall be, and is hereby declared to be liable to such

such Penalties, Forfeitures and Punishments, as by the said Act is Imposed on Popish Archbishops, Bishops, Vicars-General, Deans, Jesuits, Fryers, or any other Papists, Exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom, contrary to the said Act.

And be it further Enacted, That any person who shall knowingly harbour, receive, conceal, or entertain any such Clergy-man of the Popish Religion as aforesaid, so coming into this Kingdom as aforesaid, shall be liable to such Penalties and Forfeitures as by the said Act is Imposed on the Harbourers, Relievers and Concealers of any Popish Archbishop, Bishop, Vicar-General, Dean, Jesuit, Fryer, or Regular Popish Clergy-man; and to be Liable on them, and every of them, in the same manner, as by the said Act is directed.

And all Her Majesties Justices of the Peace, Sheriffs, High and Petty-Constables, and all other Her Majesties Loving Subjects are hereby required to use their utmost diligence in apprehending all such Regular, or other Popish Priest, who shall come into this Kingdom, contrary to this Act.

And be it further Enacted, That if any Mayor, Justice of the Peace, or other Officer, shall neglect doing his or their Duty in Execution of this Act, every such Mayor, Justice of the Peace, and other Officer, shall for every such neglect Forfeit the Sum of One Hundred Pounds, to be Recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Escoigne, or Wager of Law shall be allowed, nor more than one Imparllance; one Moiety thereof to the Queens Majesty, Her Heirs and Successors; the other Moiety to the Informer, or person that shall sue for the same: And be disabled from serving as a Justice of the Peace during his Life.

And soasmuch as some Doubt hath arisen, where persons returning, or coming, and offending contrary to the aforesaid Act, shall be Indicted and Tried; Be it Enacted by the Authority aforesaid, That all and every person and persons, who have returned or come, and offended, contrary to the said Statute, or who shall at any time hereafter return or come into this Kingdom, contrary to the true intent, and meaning of the aforesaid Statute, or shall come into this Kingdom contrary to this present Act, shall and may be Indicted and Tried for the same in such County of this Kingdom wherein he or they shall be found or taken; or in any County where Her Majesty, Her Heirs or Successors, by Commission under the Great Seal of this Kingdom, shall direct and appoint.

Provided, and be it Enacted, That this Act shall continue, and be in force for Fourteen Years, and to the End of the next Session of Parliament after the Expiration of the said Fourteen Years, and no longer.

C H A P. IV.

An Act for continuing the Additional Duty of Excise on Beer, Ale and other Liquors: And for Granting an Additional Duty on Tobacco, and several other Goods and Merchandizes: And also, a Tax of Four Shillings in the Pound on several Pensions and Grants therein mentioned: And for Building of Barracks in the City of Dublin.

WHE Your Majesties Most Dutiful and Loyal Subjects the Commons of Ireland in Parliament Assembled, being highly sensible of the great Blessings and Felicity we enjoy by Your Majesties happy Accession to the Throne of Your Ancestors, and well knowing that the Security, Peace, and Prosperity of this Your Majesties Realm, necessarily depends on the Support of Your Majesties Government, have in most Thankful Acknowledgment of Your Majesties Most Gracious Disposition and tender Care to Preserve Your People in the full and free Enjoyment of their Religion, Laws, and Liberties (the Effects and Fruits whereof do daily Rejoyce the Hearts of all Your good Subjects) freely, Cheerfully and Unanimously given to Your Majesty the several Additional, and other Duties herein after mentioned: And do most Humbly, Heartily, and Unanimously Beseech Your Majesty, that it may be Enacted; And be it Enacted by the Queens Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That the Additional Duties of Excise upon Beer, Ale, and other Liquors, granted for One Year, ending at Michaelmas, One thousand seven hundred and four, by Act of this present Session of Parliament,

The Harbourers or Relievers subject to the same Penalties, &c. that Archbishops, Jesuits, &c.

Every Mayor, Justice, &c. that shall neglect his duty to Forfeit 100 l. and disabled.

Where to be Tried upon returning into this Kingdom.

Made perpetual Anno 8^o. Cap. 3.

Intituled, An Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors, be further Continued, Raised, Collected, Levied, and Paid unto Your Majesty, Your Heirs and Successors for One Year, from the Twenty Ninth Day of September, One thousand seven hundred and four, to the Twenty Ninth Day of September, One thousand seven hundred and five Inclusive; which said Additional Duties of Excise upon Beer, Ale, and other Liquors, shall and may be Raised, Collected, Levied, and Paid unto Her Majesty, Her Heirs and Successors, during the time aforesaid, at the same times, and in the same manner and place, and by such Rules, Ways, Means and Methods, and under such Penalties and Forfeitures as are mentioned and expressed for the Collecting, Gathering and Receiving of the several Duties of Excise, in and by the Act of Excise or New-Imposts, made in the Fourteenth Year of the Reign of the late King Charles the Second, Intituled, An Act for the Settling of the Excise or New-Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein Inserted, or by any other Law now in force relating to the Revenue of Excise in this Kingdom.

And be it further Enacted by the Authority aforesaid, That all Tobacco, Linnen, Muslin and Callicoes, that shall be Imported into this Kingdom at any time, from and after the Ninth Day of November, One thousand seven hundred and three, until the Ninth Day of November, One thousand seven hundred and five Inclusive, shall answer and pay unto Her Majesty, Her Heirs and Successors, over and above all Rates and Duties due and payable for the same, by virtue of any former or other Law in force in this Kingdom, the several and Additional Rates and Duties hereafter mentioned (that is to say) for every Pound Weight of Tobacco to be Imported within the time aforesaid, the Sum of Three Pence Half Penny: For every Yard of White, Painted or Stained Callicoe, to be Imported within the time aforesaid, the Sum of One Shilling and Six Pence Sterling; and for every Yard of Muslin, and all sorts of Linnen to be Imported within the time aforesaid, the Sum of Six Pence Sterling: All which said several Additional Duties shall and may be Raised, Collected, Levied, and Paid unto Her Majesty, Her Heirs and Successors, during the time aforesaid, at the same times and places in the same manner and form, and by such Rules, Ways, Means and Methods, and under such Penalties and Forfeitures as are mentioned, appointed and expressed in the aforesaid Act of Excise and New-Impost, or in any other Law now in force in this Kingdom, relating to the Excise.

And be it further Enacted by the Authority aforesaid, That the full Sum of four Shillings a Year, out of every Twenty Shillings by the Year of the several Pensions, Grants, Annuities, and Yearly Payments herein after mentioned shall be paid to Her Majesty, Her Heirs or Successors, for Two Years commencing from Michaelmas, One thousand seven hundred and three Exclusive, and ending Michaelmas, One thousand seven hundred and five Inclusive (that is to say) The Sum of four Shillings a Year out of every Twenty Shillings by the Year of the Pension or Grant of Eight Hundred Pounds a Year from the Crown to the Duke of St. Albans, and Charged on the Revenue of this Kingdom: Also the like Sum of four Shillings a Year out of every Twenty Shilling by the Year of the like Grant or Pension of Three Hundred Pounds to the Earl of Ranelagh, charged on the said Revenue: Also the like Sum of four Shillings a Year out of every Twenty Shillings by the Year of the Grant or Pension of Sixteen hundred Pounds a Year to George Rodney Bridges Esquire, charged on the said Revenue: Also the like Sum of four Shillings a Year out of every Twenty Shillings by the Year of the Three Thousand five Hundred Pounds a Year secured to the Countess of Dorchester by several Quit-Rents of this Kingdom: Also the like Sum of four Shillings a Year out of every Twenty Shillings a Year of the Sum of Sixteen hundred forty two Pounds, being the Yearly Quit-Rent of the Earl of Antrim's Estate granted to the late Earl of St. Albans: Which said Sum of four Shillings in the Pound shall be Paid during the time aforesaid by half yearly Payments (that is to say) On every Twenty fifth Day of March, and Twenty Ninth Day of September for and during the said two Years: And which said several Rates of four Shillings Sterling a Year of every Twenty Shillings Sterling, so charged as aforesaid, shall be Raised, Collected, Levied and Paid in the manner following (that is to say) such of the said Grants or Pensions as are payable out of Her Majesties Treasury in this Kingdom shall be stopped and deducted half yearly by the Paymaster or Receiver General

General of Her Majesties Revenues; and accounted for to Her Majesty, Her Heirs or Successors: And the said Four Shillings Sterling a Year out of every Twenty Shillings a Year charged on any Grant of, or on any the yearly Quit-Rents aforesaid, shall be Levied, Raised and Collected at the times aforesaid, in such manner, and with such and the like Remedies for Recovery thereof, as any other Her Majesties Quit-Rents and Crown-Rents are Collected and Raised by any Law now in force in this Kingdom.

And be it further Enacted by the Authority aforesaid, That an Additional Duty of Twenty Shillings Sterling for every Hundred Pounds Weight of Glasses that shall be Imported into this Kingdom from and after the Fifth Day of November, One thousand seven hundred and three, shall be paid to Her Majesty, Her Heirs and Successors, for the Term of Seven Years from the said Fifth Day of November, One thousand seven hundred and three, and from thence to the end of the next Session of Parliament after the Expiration of the said Term of Seven Years: Which said Duty is to be Levied, Collected and Received in such manner as in and by the said Act of Excise is directed and appointed.

And be it further Enacted by the Authority aforesaid, That no Collector, or other Officer whatsoever in Her Majesties Revenue, shall Demand, Receive, or take any other Fee or Reward for any Permit for Tobacco, other than the several Fees and Rates herein after mentioned (that is to say) for any Permit of any Quantity of Tobacco, under one hundred pounds weight, one penny and no more; and for every Permit for any Quantity of Tobacco of one hundred pounds weight and upwards, three pence, and no more: Or other Goods not Exceeding the value of Five Pounds.

And whereas the Arrear of Quit-Rents, Crown-Rents and Composition Rents, due out of several Houses, Lands and Tenements, returned to have been Wast from the Twenty fifth Day of March, One thousand six hundred ninety two, to the Twenty fifth of March, One thousand six hundred ninety five, amounting to the Sum of Twenty One Thousand Seven Hundred and Ten Pounds, Seven Shillings and Three Pence; were Released and Discharged by an Act of Parliament made in this Kingdom, in the Fifth Year of the Reign of His late Majesty King William the Third.

And whereas the Clerk of the Quit-Rents in the Year One thousand six hundred ninety eight, delivered to the then House of Commons, a Second List of Arrears of Quit-Rents, Crown-Rents and Composition Rents, due out of several other Houses, Lands and Tenements, returned to have been Wast from the said Twenty fifth Day of March, One thousand six hundred ninety two, to the Twenty fifth Day of March, One thousand six hundred ninety five Inclusive, amounting to the Sum of Four Thousand Two Hundred Sixty Two Pounds, Sixteen Shillings and Two Pence Sterling. Whereupon the said Commons on the Twentieth fourth Day of January, One thousand six hundred ninety eight, Humbly Addressed the Government for a Respite of so much of the said Four Thousand Two Hundred Sixty Two Pounds Sixteen Shillings and Two Pence, as had not been then paid to His said late Majesties Use, until such time as a Fund should be found for the Payment thereof, in regard the Proprietors of the Lands mentioned in the said Second List, had the same Equity with those allowed by the First List.

And whereas it appears upon the Returns of the several Collectors Accounts that before the said Twentieth fourth Day of January, One thousand six hundred ninety eight, the Sum of Two Hundred Sixty One Pounds, Eleven Shillings and Ten Pence, One Eighth being part of the said Sum of Four Thousand Two Hundred Sixty Two Pounds, Sixteen Shillings and Two Pence was paid to His said late Majesty, so that the remainder of the Arrears in the said second List mentioned, amounted to the Sum of Four Thousand and One Pounds Four Shillings and Three Pence Seven Eighths, which said sum of Four Thousand and One Pounds Four Shillings and Three Pence Seven Eighths, hath been hitherto Respited in Pursuance of the said Address, and for which sum an Equivalent is given to Her Majesty in the Aids granted in this present Parliament: Be it therefore Enacted by the Authority aforesaid, That the said several Houses, Lands and Tenements, returned by the said second List, to have been Wast from the Twentieth fifth of March, One thousand six hundred and ninety two, to the Twentieth fifth of March, One thousand six hundred ninety five, and remaining in Arrear and Respited as aforesaid, shall be, and always hereafter shall be Taken, Deemed and Adjudget to be freed and discharged, and they are hereby freed and discharged of and from all Arrears of the said Quit-Rents, Crown-Rents and Composition Rents, which

incurred or became due from the Twenty fifth Day of March, One thousand six hundred ninety two, to the Twenty fifth of March, One thousand six hundred Ninety five Inclusive.

And be it further Enacted by the Authority aforesaid, That no person or persons whatsoever, his, her or their Houses, Lands, Tenements and Hereditaments, or any of them, shall at any time hereafter be Distrained or otherwise Impleaded for, or on account of the same, or any part thereof; and that no Officer or other person do Issue Process, or Distrain for the same, under penalty of paying to the person aggrieved thereby double Costs and Damages for such unjust Suit and Molestation.

And to the end all persons hereby intended to be discharged from the said Arrears may have free recourse to the said second List returned to the House of Commons as aforesaid; Be it further Enacted by the Authority aforesaid, That the said second List shall on or before the Second Day of February next be returned by the Clerk of the House of Commons into the Office of the Auditor General, there to be Enrolled, and to remain of Record.

And further that it may appear out of what part of the Lands included in the said second List the said Sum of Two hundred sixty one pounds Eleven Shillings and ten pence, one Eighth, was paid as aforesaid; Be it further Enacted by the Authority aforesaid, That the Commissioners of Her Majesty's Revenue shall return a Duplicate of the said second List, and Endorse thereon the particulars of the Lands out of which the said Two hundred sixty one pounds Eleven Shillings and Ten pence, one Eighth, part of the said Four thousand two hundred sixty two pounds Sixteen Shillings and Two pence was paid as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall be hereafter Impleaded or Molested for the said Arrears contrary to the Intent of this Act, That such person or persons shall not be obliged to discharge themselves by Plea from such Charge, but shall be admitted by Action in Her Majesty's Court of Exchequer to discharge the same, by making it appear by an Affidavit and by a Certificate of Her Majesty's Auditor General, that the Quitt-rents, Crown-rents or Composition-rents, for which he or they are Distrained or Seized, became due between the Twenty fifth of March, One thousand six hundred ninety two, and the Twenty sixth of March, One thousand six hundred ninety five, out of Houses, Lands or Tenements returned ~~Wass~~ and mentioned in the said second List: Which Certificate the Auditor General shall be obliged to give to the persons requiring the same without Fee or Reward.

And be it Enacted by the Authority aforesaid, that the several Sums hereafter mentioned shall be paid out of the aforesaid Additional Duties and Aids granted to Her Majesty by this present Act to the persons herein after named, (that is say) Three hundred pounds Sterling to Thomas Tilson the Elder Esquire, Clerk of the House of Commons; Two hundred pounds Sterling to Faustin Cuppage Esquire, Clerk Assistant; and One hundred Pounds Sterling to Thomas Tilson the Younger, another of the Clerks to the Commons; and One hundred and fifty pounds to Richard Povey Esquire, Serjeant at Arms attending the Commons; and fifty pounds to Francis Cockfage Gentleman, Deputy Serjeant at Arms attending the Commons, as a Reward for their several Services and Attendance in the Two last Parliaments Held in this Kingdom: And also the Sum of Six hundred pounds Sterling to Margaret Hamilton Widow, for the Sufferings of her Husband Colonel Hamilton, Deceased in the Eniskillen Service: Which said several Sums are to be paid by the Vice-Treasurer or Receiver General of this Kingdom, without any further or other Warrant to be sued for, had and obtained in that behalf.

Barracks to be Erected in the City of Dublin, for Lodging and Quartering of Soldiers.

And whereas it is convenient that Barracks should be erected in the City of Dublin, for the Lodging and Quartering of Her Majesty's Soldiers; be it Enacted by the Authority aforesaid, That the Six pence per Pound payable to the Vice-Treasurer or Paymaster General of this Kingdom, and all other Fees payable out of the Aids given to Her Majesty this present Session of Parliament, shall be employed in, and applied to the Building of Barracks for Soldiers in the said City, according to the Direction of the Lord Lieutenant, or other chief Governor or Governors for the time being: Which Barracks shall be begun and carried on as fast as any part of the said Fees or Sums aforesaid, allotted for the Building thereof, shall come in, and be received out of the said Additional Duties or Aids granted to Her Majesty by this present Act.

CHAP. V.

An Act to make it High-Treason in this Kingdom, to Impeach the Succession of the Crown, as Limited by several Acts of Parliament.

Foras much as the future Security of Your Majesties Protestant Subjects of this Kingdom doth (next under God) depend upon the Safety of Your Majesties Royal Person (whom God long preserve to Reign over us) and upon the Succession in the Protestant Line, as the same is limited by an Act of Parliament passed in England, Intituled, An Act declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown; And by one other Act made in England in the Twelfth Year of the Reign of His late Majesty King William the Third of Blessed Memory, Intituled, An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject: By which it is Enacted, That the Imperial Crown and Government of the Kingdoms of England, France and Ireland, and of the Dominions thereunto belonging, with the Royal State and Dignity of the said Realms, and all Honours, Styles, Titles, Regalities, Privileges, Powers, Jurisdictions and Authorities to the same belonging and appertaining, should after the Decease of His said Majesty, and of Her then Royal Highness the Princess Anne of Denmark (our now most Gracious Sovereign Lady Queen Anne) without Issue of Her Body, and for default of Issue of Her said Majesty, and of His said Majesty, respectively be, remain, and continue to the most Excellent Princess Sophia Electress and Dutchess Dowager of Hanover, Daughter of the most Excellent Princess Elizabeth late Queen of Bohemia, Daughter of our late Sovereign Lord King James the First of Happy Memory, and the Heirs of Her Body, being Protestants.

And forasmuch as it most manifestly appears that the Papists of this Kingdom, and other disaffected persons, do still entertain hopes of disappointing the said Succession as the same stands limited; For prevention whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That if any person or persons at any time from and after the First Day of February, in the Year of our Lord God One thousand seven hundred and thirty, shall endeavour to deprive or hinder any person who shall be the next in Succession to the Crown for the time being, according to the Limitations in the before recited Act mentioned, from succeeding after the Decease of Her Majesty (whom God long preserve) to the Imperial Crown of the Realm of England, and the Dominions and Territories thereunto belonging, according to the Limitations in the beforementioned Acts (that is to say) Such Issue of Her Majesties Body as shall from time to time be next in Succession to the Crown, if it shall please God to Bless Her Majesty with Issue; and during the time Her sacred Majesty shall have no Issue, the Princess Sophia Electress and Dutchess Dowager of Hanover, and the Heirs Males of Her Body, being Protestants; and after the Decease of the said Princess Sophia, the next in Succession to the Crown for the time being, according to the Limitation of the said Acts; and the same maliciously, advisedly and directly shall attempt by any Overt Act or Deed, every such Offence shall be Adjudged High-Treason; and the Offender or Offenders therein, their Adettors, Procurers and Comforters, knowing the said Offence to be done, being thereof Convicted or Attainted according to the Laws and Statutes of this Realm, shall be deemed and adjudged Traytors, and shall suffer pains of Death and all Losses and Forfeitures, as in Cases of High-Treason.

And be it further Enacted by the Authority aforesaid, That if any person or persons, being a Native of this Realm, shall Offend contrary to this Act, in any parts beyond Seas, or on the High Sea; that every such Offender shall and may be Tryed in such County in this Kingdom as Her Majesty, Her Heirs and Successors, shall by Her or Their Commission, under the Great Seal of this Kingdom, nominate, limit and appoint.

C H A P. VI.

An Act to prevent the further Growth of Popery.

This Act
made perpe-
tual *Annæ 3^o.*
Cap. 34.

Whereas divers Emiffaries of the Church of Rome, Popish Priests, and other persons of that Perswasion, taking advantage of the Weakness and Ignorance of some of Her Majesties Subjects, or the extream Sicknes and Decay of their Reason and Senses in the absence of Friends and Spiritual Guides, do daily endeavour to perswade and pervert them from the Protestant Religion, to the great Dishonour of Almighty God, the weakening of the true Religion, by his Blessing so happily Established in this Realm, to the disquieting the Peace and Settlement and Discomfort of many particular Families thereof. And in further manifestation of their Hatred and Aversion to the said true Religion, many of the said persons so professing the Popish Religion in this Kingdom, have refused to make provision for their own Children for no other reason but their being of the Protestant Religion: And also have by cunning Devices and Contrivances found out ways to avoid and elude the intents of an Act of Parliament made in the Ninth Year of the Reign of the late King William the Third, for preventing Protestants Inter-marrying with Papists; and of several other Laws, made for the security of the Protestant Religion.

The Penalty
for raising
Divisions by
Papists in Vo-
ting for Mem-
bers of Par-
liament.

The Penalty
for perswad-
ing or per-
verting any
Protestant
from the Pro-
testant Reli-
gion to Po-
pery.

The Penalty
for being se-
duced, &c.

Penalty for
sending or
conveying
any Child
under the
Age of
21 years be-
yond the
Seas, &c.

Any of the
Judges of His
Majesties
Courts may
summon the
Parents or
Guardians,
&c. upon sus-
picion.

And whereas many persons so professing the Popish Religion have it in their power to raise Divisions among Protestants, by Voting in Elections for Members of Parliament, and also have it in their power to use other Ways and Means tending to the Destruction of the Protestant Interest in this Kingdom; For Remedy of which great Mischiefs, and to prevent the like Evil practices for the future, Be it Enacted by the Queens Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That if any person or persons, from and after the Twenty Fourth Day of March, in this present Year of our Lord One thousand seven hundred and three, shall seduce, perswade or pervert any person or persons professing, or that shall profess the Protestant Religion, to renounce, forsake, or abjure the same, and to profess the Popish Religion, or reconcile him or them to the Church of Rome, then and in such Case every such person and persons so seducing, as also every such Protestant and Protestants who shall be so seduced, perverted and reconciled to Popery, shall for the said Offences, being thereof lawfully convicted, incur the danger and penalty of Premunire mentioned in the Statute of Premunire made in England in the Sixteenth Year of the Reign of King Richard the Second: And if any person or persons, being a Papist or professing the Popish Religion, shall from and after the said Twenty Fourth Day of March send, or cause, or willingly suffer to be sent or conveyed any Child under the Age of One and Twenty Years, except Sailors, Ship-boys, or the Apprentice or Factor of some Merchant in Trade of Merchandize into France, or any other parts beyond the Seas out of Her Majesty's Dominions, without the special Licence of Her Majesty, Her Heirs or Successors, or of Her or Their Chief Governor or Governors of this Kingdom, and four or more of Her or Their Privy Council, of this Realm under their Hands in that behalf first had and obtained, he, she and they so sending or conveying, or causing to be sent or conveyed away such Child, shall incur the pains, penalties, and forfeitures mentioned in an Act made in the Seventh Year of His late Majesty King William Intituled, An Act to restrain Foreign Education.

And forasmuch as by the said Act to restrain Foreign Education, Justices of the Peace are required, upon Oath to them made of the withdrawing of any Child beyond the Seas, to proceed further as by the said Act they are Directed; which Oath it is not probable can be made by any Protestant or Protestants who are strangers to such private Transactions in Popish Families, when yet by the absence of such Child there may be reasonable ground of Suspicion of his or her having been sent away into Parts beyond the Seas; Be it further Enacted by the Authority aforesaid, That where any of the Judges of Her Majesties Courts of Queens-Bench, Common Pleas, or Barrens of the Exchequer, or any Two of the Justices of the Peace of any County of this Kingdom, shall have reasonable cause to suspect that any such Child, except before excepted, and also except such Child or Children as shall be sent abroad with such Licence, as aforesaid, has been sent abroad

abroad into Foreign Parts, he and they are hereby required and directed to Con-
vene the Father or Mother, or such other Relation, Guardian, or other person or
persons as had the Tuition, Education or Care of the said Child, and shall re-
quire him, her, or them to produce or bring before him or them the said Child with-
in Two Months from and after such Convening; and if such person or persons
shall not produce and bring before the said Judge or Justices of the Peace such
Child within the said time, or shew reasonable cause for the obtaining further
time for the same till the next following Quarter-Sessions of the County wherein
such person or persons shall reside, or shall not give good proof that the said Child
is resident some where within this Kingdom or within the Kingdom of England or
Scotland, and not in parts beyond the Seas, that then such Child shall be deem-
ed and taken to be then Educated in Foreign parts contrary to the aforesaid Act,
and shall incur all the Penalties and Disabilities in and by the said Act mention-
ed and prescribed.

And to the end that no Child or Children of Popish Parent or Parents who
have professed or embraced, or who shall profess or embrace the Protestant Religion,
or are or shall be desirous or willing to be Instructed and Educated therein, may
in the life time of such Popish Parent or Parents, for fear of being cast off or disin-
herited by them, or for want of a fitting Maintenance or future Provision, be com-
pelled and necessitated to embrace the Popish Religion, or be deterred or withheld
from owning and professing the Protestant Religion; Be it further Enacted by
the Authority aforesaid, That from and after the said Twenty Fourth Day of
March, One thousand seven hundred and three, upon Complaint in the High Court
of Chancery by Bill founded on this Act against such Popish Parent, it shall and
may be Lawful for the said Court to make such Order for the Maintenance of
every such Protestant Child not maintained by such Popish Parent suitable to the
Degree and Ability of such Parent and to the Age of such Child, and also for the
portion of every such Protestant Child, to be paid at the Decease of such Popish
Parent as that Court shall adjudge fit, suitable to the Degree and Ability of such
Parent: And in case the Eldest Son and Heir of such Popish Parent shall be a
Protestant, that then from the time of the Inrollment in the High Court of Chan-
cery of a Certificate of the Bishop of the Diocess in which he shall Inhabit, tes-
tifying his being a Protestant, and conforming himself to the Church of Ireland as
by Law Established, such Popish Parent shall become and shall be only Tenant
for Life of all the Real Estate wherof such Popish Parent shall be then Seized in
Fee tail or Fee simple, and the Reversion in Fee shall be vested in such Eldest
Son being a Protestant, Subject nevertheless to all such Debts and real Incum-
brances at the time of the Inrollment of such Certificate charging such Estate, and
Subject also to such Maintenances and portions for the other Children, as well
Protestants as Papists of such Popish Parent then born, or after to be born, as
the said Court of Chancery, in manner aforesaid, shall order for them respectively;
such portions not to Exceed the value of one third part of the Inheritance of such
Estate, which shall be held and enjoyed accordingly, discharged of all volunta-
ry Settlements made by such parent, and also of all Sales and Incumbrances
made by him after such Inrollment of such Certificate: And the said Court of Chan-
cery is hereby required to take care that distinct Rolls be kept for Inrollment of
such Certificates, which shall publickly hang up or lie in some publick Office or
place belonging to the said Court for that purpose by the said Court to be ap-
pointed, where all persons may at all reasonable times resort to and peruse the
same without Fee or Reward; and for the Inrollment of each and every such Cer-
tificate the Sum of six pence, and no more, shall be paid.

And that Care may be taken for the Education of Children in the Communion
of the Church of Ireland as by Law Established; Be it Enacted by the Authority
aforesaid, that no person of the Popish Religion shall or may be Guardian unto,
or have the Tuition or Custody of any Orphan, Child or Children, under the Age
of Twenty One Years; but that the same, where the person having, or Intituled
to the Guardianship of such Orphan, Child or Children, is or shall be a Papist,
shall be disposed of by the High Court of Chancery to some near Relation of such
Orphan, Child or Children, being a Protestant and conforming himself to the Church
of Ireland as by Law Established, to whom the Estate cannot descend in case there
shall be any such Protestant Relation fit to have the Education of such Child;
otherwise to some other Protestant Conforming himself as aforesaid, who is hereby
required to use his utmost care to Educate and bring up such Child or Minor in
the

Provision to
be made for
the mainte-
nance of Chil-
dren that
turn Prote-
stants, and by
whom.

If the Eldest
Son a Prote-
stant, &c. the
Estate so
vested in him
but subject
to Debts.

Subject to the
maintenance
of Children,
&c.

Who shall
take care of
the Educati-
on of Chil-
dren under
21 Years old.

the Protestant Religion until the Age of Twenty One Years: and the said Court of Chancery is hereby impowered and required, and by virtue of this Act it shall and may be Lawful for the said Court to make such Order for the Educating in the Protestant Religion the Child and Children of any Papist, where either the Father or the Mother of such Child or Children, is or shall be a Protestant till the Age of Eighteen Years of every such Child, as to that Court shall seem meet, and in Order thereto, to limit and appoint where and in what manner and by whom such Child or Children shall be Educated, and the Father of such Child or Children shall pay the Charges of such Education as shall be directed by the said Court; and such Child or Children shall and may be taken from such Popish Parent for Education according to such Order: And if any person or persons being a Papist, or professing the Popish Religion, shall take upon him or them the Guardianship or Tuition of any Orphan, Child or Children contrary hereunto, he and they so taking upon them the Guardianship or Tuition of any such Child, shall forfeit the Sum of Five Hundred Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Protection, Escoigne or Wager of Law shall be allowed, or but one Imparlane, the whole Benefit of the said Forfeitures to be, and is hereby given to the Blue Coat Hospital in the City of Dublin.

No Papist to take upon him Guardianship of Orphans.

Against Inter marriages in or out of this Kingdom.

And be it further Enacted by the Authority aforesaid, That if any Protestant or Protestants having any Estate or Interest real or personal within this Kingdom, shall at any time from and after the Twenty Fourth Day of March next, Inter-marry with any Papist or person professing the Popish Religion, either within this Kingdom, or in any parts out of this Kingdom, such person or persons being thereof Convict by Indictment or Information, shall be liable to and incur all the penalties and disabilities in an Act made in the Ninth Year of His said late Majesty's Reign, Intituled, An Act to prevent Protestants Inter-marrying with Papists, as if such Protestant or Protestants had actually Inter-married with such Papist or Papists in any part of this Kingdom; and the said Offence shall be Tryed in any County within this Kingdom wherein the Offender hath any Estate or Chattles real, or in the City of Dublin.

If Married out of this Kingdom, a Certificate of a Protestant Minister Certified by a publick Notary sufficient.

Provided, That the Certificate of a Protestant Minister by whom any person shall be Married out of this Kingdom, attested by a publick Notary, containing the matter to be certified by the said former Act by the persons therein mentioned, shall be sufficient and in lieu of the Certificate required by the said former Act.

No Papist to purchase Leases either in his own or other Name, above 31 Years.

And be it further Enacted by the Authority aforesaid, That every Papist or person professing the Popish Religion, shall from and after the said Twenty Fourth Day of March, be disabled, and is hereby made incapable to buy and purchase either in his or their own Name, or in the Name of any other person or persons, to his or her Use, or in Trust for him or her, any Mannors, Lands, Tenements or Hereditaments, or any Rents or profits out of the same, or any Leases or Terms thereof, other than any Term of Years, not exceeding Thirty One Years, whereon a Rent not less than Two Thirds of the Improved Yearly Value, at the time of the making such Lease of the Tenements Leased, shall be reserved and made payable during such Term; and that all and singular Estates, Terms or any other interests or profits whatsoever, other than such Leases not exceeding Thirty One Years as aforesaid, of, in, or out of such Lands, Tenements or Hereditaments, from and after the said Twenty Fourth Day of March, to be bought and purchased by, or for the use or behoof of any such Papist, or person or persons professing the Popish Religion, or upon any trust or confidence mediately or immediately to or for the benefit, use or advantage of any such person or persons professing the Popish Religion, shall be utterly void and of none effect to all intents, constructions and purposes whatsoever.

To be Educated by a Protestant, and not to be acknowledged till he or she Conforms to the Church of Ireland.

And be it further Enacted by the Authority aforesaid, That from and after the First Day of February, in this present Year of our Lord One thousand seven hundred and three, no Papist, or person professing the Popish Religion, who shall not within Six Months after he or she shall become Intituled to enter, or to take, or have the profits by Descent, or by virtue of any Devise or Gift of any Remainder already limited, or at any time hereafter to be limited, or by virtue of any Trust of any Lands, Tenements or Hereditaments, whereof any Protestant now is, or hereafter shall be Seized in Fee Simple absolute, or Fee tail, or in such manner that after his Death, or the Death of him and his Wife, the Freehold is to come immediately to his Son or Sons, or Issue in Tail, if then of the Age of Eighteen Years, or if under, within Six Months after he shall attain that Age; un-

til which time from his being so Intituled he shall be under the care of such Protestant Relation or person, conforming himself as aforesaid, as shall for that purpose be appointed by the High Court of Chancery for his being Educated in the Protestant Religion, become a Protestant, and conform himself to the Church now Established in this Kingdom, shall take any benefit by reason of such Descent, Devise, Gift, Remainder or Trust, but from thenceforth, during the Life of such person, or until he or she do become a Protestant, and conform as aforesaid, the nearest Protestant Relation or Relations, or other Protestant or Protestants, and his and their Heirs, being and continuing Protestants, who shall or would be Intituled to the same, in case such person professing the Popish Religion, and not conforming as aforesaid, and all and other intermediate Popish Relations and Popish persons were actually dead; and his and their Heirs shall have and enjoy the said Lands, Tenements and Hereditaments, without being accountable for the profits to be received during such Enjoyment thereof; Subject nevertheless to such charges, other than such as shall be made by such disabled person, and in such condition as the disabled person would have held and enjoyed the same, the Children of Papists being to be taken to be Papists till they shall by their Conformity to the Established Church appear to be Protestants; and also subject to such Maintenance as the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of Ireland for the time being, shall think fit to allow to the Children of such Papist until such Children attain their respective Ages of Eighteen Years.

Lord Chancellor or Lord Keeper to settle the maintenance.

Provided always, That if any Papist or Papists that would be Intituled to the same by virtue of this Act on the disability incurred by any other Papist, shall after become Protestant, and conform as aforesaid, from such his Conformity, such conforming person and his Heirs, being and continuing Protestants, shall be Intituled as he would have been if he had been a Protestant when the Disability fell on such other Papist; and the person or persons so enjoying the same by virtue of this Act shall and may Lawfully Demise and Lease the same, or any part thereof, for Twenty One Years or less without Fine, reserving the best improved Rent that can be got for the same at the time of Leasing thereof, or otherwise make or renew Leases of the same in such manner as the disabled person might or ought to do by virtue of any power only enabling him so to do; and that all such Leases shall be good and effectual against the disabled person and all others to Claim after him, any Law or Usage to the contrary thereof notwithstanding: And in case any wilful waste shall be committed on the said Lands, Tenements and Hereditaments by the person so having and enjoying the same, or any other by his or her Licence or Authority, the party disabled, his or her Executors or Administrators, shall and may recover full Damages for the same against the person committing such waste, his or her Executors or Administrators, by Action of Debt, in any of Her Majesties Courts of Record in Dublin.

Any Papist disabled by this Act, and becoming Protestant shall be restored.

All Leases for 21 Years and under, shall be good and effectual during his disability.

No waste to be committed.

Provided nevertheless, That the Wife of such person so disabled, being a Protestant, shall have and be Intituled to her Dower and Thirds at the Common Law, as she would have been if this Act had not been made.

The Wife being a Protestant shall have her Dower and Thirds.

And be it further Enacted by the Authority aforesaid. That all Lands, Tenements or Hereditaments, whereof any Papist now is, or hereafter shall be Seized in Fee Simple or Fee tail shall, from henceforth, so long as any Papist shall be Seized of, or Intituled to the same in Fee Simple or Fee tail, be of the nature of Gavelkind, and if not Sold, Aliened or Disposed of by such Papist in his Life time for good and valuable consideration of Money, really and bona fide paid, shall for such Estate from such Papist descend to and be inherited by all and every the Sons of such Papist any way inheritable to such Estate, Male and Male like, and not descend on or come to the Eldest of such Sons only, being a Papist, as Heir at Law; and shall in like manner from such respective Sons being Papists, descend to and be inherited by all and every the Sons of such Sons, Male and Male like, and not descend to the Eldest of such Sons, being a Papist, as Heir at Law only; and that for want of Issue Male of such Papist the same shall descend to all his Daughters any way inheritable to such Estate in equal proportions; and for want of such Issue among the collateral Kindred of such Papist of the Kin of his Father any way inheritable to such Estate in equal Degree; and for want of such Kindred, to the collateral Kindred of such Papist of the Kin of his Mother, any way inheritable to such Estate, and not otherwise, notwithstanding any Grant, Settlement or Disposition by Will or otherwise that shall be made by such Papist, other than such Sale, Alienation or Disposition to be made by such Papist

All Estates of Papists to be in Gavelkind where they remain all Papists, except Sold in his Life time for valuable consideration.

For want of Sons to Daughters: &c.

as aforesaid; subject nevertheless to all such Debts and real Incumbrances at the time of the Decease of such Papist charging such Estate.

Provided nevertheless, it shall and may be Lawful to and for such Papist to charge such his Estate with reasonable maintenances and portions for his Daughters, to be raised and paid in such manner as he shall direct.

Provided always, That if the Eldest Son or Heir at Law of such Papist shall be a Protestant at the time of the Decease of such Papist, whose Heir he shall be, such Certificate of such Eldest Son, being a Protestant, not having been Inrolled in the Life of such Papist, the Lands whereof such Papist shall be so Seized shall descend to such Eldest Son or Heir at Law, according to the Rules of the common Law of this Realm, so as such Certificate of the Bishops, as aforesaid, be Inrolled within Three Months after the Decease of such Papist in the said Court of Chancery; subject nevertheless to such Debts and real Incumbrances at the time of the Decease of such Papist charging such Estate: And if the Eldest Son or Heir at Law of any such Papist who shall at the time of the Decease of such Papist, whose Heir he is, be of the Age of One and Twenty Years, shall become a Protestant and conform himself to the Church of Ireland, as by Law Established, within One Year after such Decease of such Papist; or being then under the Age of One and Twenty Years, shall within One Year after he shall attain that Age become a Protestant, and conform himself as aforesaid, that then from the time of the Inrollment in the Court of Chancery of the Certificate of the Bishop of the Diocese in which he shall Inhabit, testifying his being a Protestant, and conforming as aforesaid, in manner aforesaid, such Inrollment being made within such Year, he shall be Intituled to, and shall have and enjoy from thenceforth the whole real Estate of such Papist, as he might have done if he had been a Protestant at the time of the Decease of such Papist whose Heir he is, notwithstanding any Grant, Settlement or Disposition by Will or otherwise that shall be made by such Papist, other than such Sale, Alienation or Disposition to be made by such Papist as aforesaid; subject nevertheless to such Debts and real Incumbrances at the Decease of such Papist charging such Estate: And in every case where such Eldest Son shall be Intituled as aforesaid, by reason of his being a Protestant, such real Estate shall be chargeable and charged with such Sum and Sums of Money for the maintenance and portions of the Daughters and younger Sons of such Papist as the Court of Chancery shall direct and appoint to be raised for them, and shall be raised and paid according to such Direction, such portions not to exceed the value of one third part of such Estate.

Provided always, That such Lands, Tenements and Hereditaments, when and during such time as any Protestant shall be Seized thereof in Fee Simple or Fee tail, shall from such Protestant be descendable according to the Rules of the common Law of this Realm, and not otherwise.

And be it further Enacted, That all Debts and other real Incumbrances that do, may or shall before the first Day of February, One thousand seven hundred and three, Charge or Incumber any real Estate of any Papist within this Kingdom, shall on or before the first Day of June, that will be in the Year of our Lord, One thousand seven hundred and four, be Inrolled in the Court of Exchequer, in Rolls for that purpose to be appointed by the said Court, which Rolls shall be kept in some publick Office or place belonging to the said Court to be appointed by the said Court for that purpose, where all persons may at all reasonable times resort to, and have the perusal of the same: and in default of such Inrollment of such Debts and Incumbrances the same shall not charge any Lands of such Papist when and during such time as the same shall belong to a Protestant; and also that all Debts and Incumbrances to be contracted and made after the said first Day of February, One thousand seven hundred and three, that shall or may Charge or Incumber any real Estate of any Papist, shall within Six Months next after the making thereof, be Inrolled in the said Court of Exchequer in Rolls in like manner to be appointed and to be kept, resorted to, and perused as aforesaid; and in default of such Inrollment of such Incumbrance, the same shall not charge the Lands of any Papist, when and during such time as they shall belong to a Protestant.

None to have benefit of this Act unless he conforms.

Provided always, That no person shall take benefit by this Act as a Protestant, within the intent and meaning hereof, that shall not conform to the Church of Ireland as by Law Established, and Subscribe the Declaration, and also Take and Subscribe the Oath of Abjuration following, viz.

I *A. B.* do Solemnly and Sincerely in the presence of God, Profess, Testifie and The Oath.
 Declare, That I do Believe, That in the Sacrament of the Lord's-Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof, by any Person whatsoever: And that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now Used in the Church of *Rome*, are Superstitious and Idolatrous: And I do solemnly in the Presence of God, Profess, Testifie and Declare, That I do make this Declaration, and every part thereof, in the Plain and Ordinary Sense of the Words Read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever; and without any Dispensation already Granted me for this purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of Dispensation from any Person or Authority whatsoever, or without believing that I am, or can be acquitted before God, or Man, or Absolved of this Declaration, or any part thereof, although the Pope or any other Person or Persons, or Power whatsoever, should Dispencc with or Annul the same, or Declare, That it was Null and Void from the beginning.

I *A. B.* do Truly and Sincerely Acknowledge, Profess, Testifie and Declare in my Conscience, before God and the World, That Our Sovereign Lady Queen *ANNE* is Lawful and Rightful Queen of this Realm, and of all other Her Majesties Dominions and Countries thereunto belonging. And I do Solemnly and Sincerely Declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease, pretending to be, and taking upon himself the Style and Title of King of *England*, by the Name of *James* the Third, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do Renounce, Refuse and Abjure any Allegiance or Obedience to him. And I do Swear, That I will bear Faith and True Allegiance to Her Majesty Queen *ANNE*, and Her will Defend to the utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity. And I will do my best Endeavour to Disclose and Make Known to Her Majesty, and Her Successors, all Treasons and Traiterous Conspiracies, which I shall Know to be against Her, or any of them. And I do faithfully Promise, to the utmost of my Power, to Support, Maintain and Defend the Limitation and Succession of the Crown, against him the said *James*, and all other Persons whatsoever, as the same is and stands Limited by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, to Her present Majesty, and the Heirs of Her Body, being Protestants: And as the same by one other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subject*, is and stands Limited after the Decease of Her Majesty, and for default of Issue of Her Majesty, to the Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of Her Body, being Protestants. And all these things I do plainly and sincerely Acknowledge and Swear, according to these express Words by me Spoken, and according to the Plain and Common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or Secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation and Promise, Heartily, Willingly and Truly, upon the true Faith of a Christian.

So help me God.

And be it further Enacted, That all and every person and persons whatsoever, as well Peers as Commoners of this Kingdom, who shall bear any Office or Offices Civil or Military, or shall receive any Pay, Salary, Fee or Wages belonging to, or by reason of any Office or place of Trust by reason of any Patent or Grant from Her Majesty, or any of Her Majesties predecessors, or have Command or place of Trust from or under Her Majesty, or any of Her Predecessors, or by Her or Their Authority, or by Authority derived from Her or Them, within the Realm of Ireland, on the first Day of Easter Term which shall be in the Year of our Lord One thousand seven hundred and four, every such person or persons shall personally appear before the end of the said Term, or in Trinity Term then next following, in Her Majesties High Court of Chancery, or in Her Majesties Court of Queen's-Bench,

Oaths to be taken by all Patentees or others in Office in the Four-Courts, &c.

Bench, Court of Common-Pleas, or Court of Exchequer, and then in publick and open Court, between the Hours of Nine of the Clock and Twelve in the Forenoon, take the several Oaths, and publickly make and repeat the Declaration appointed or required to be taken, Made or Subscribed within this Kingdom in and by an Act of Parliament made in England in the Third Year of the Reign of Their late Majesties King William and Queen Mary, Intituled, An Act for the abrogating the Oath of Supremacy in Ireland, and appointing other Oaths; And also shall at the same time take the Oath of Abjuration appointed to be taken by an Act of Parliament made in England in the first Year of Her present Majesties Reign, Intituled, An Act to Declare the Alterations in the Oath appointed to be taken by the Act Intituled, "An Act for the further Security of Her Majesties Person, and the Succession of the Crown in the Protestant Line; and for Extinguishing the Hopes of the pretended Prince of Wales and all other Pretenders, and their open and secret Abettors; and for Declaring the Association to be determined: Unto which Oaths and Declaration so taken, every person so taking the same shall subscribe his Name or make his Mark; and during the time of taking thereof by the said person and persons all pleas and proceedings in the said respective Courts shall cease: And that all and every of the said respective persons and Officers not having taken the said Oaths in one of the said respective Courts, and Subscribed the same and the said Declaration as aforesaid, shall on or before the first Day of August, One thousand seven hundred and four, at the General Quarter-Sessions for the County, Barony or place where he or they shall be, Inhabit, or Reside, on the Twentieth Day of May, One thousand seven hundred and four, take the said Oaths, and make and repeat the said Declaration, and subscribe his Name or make his Mark under the said Oaths and Declaration, in open Court between the said Hours of Nine and Twelve of the Clock in the Forenoon: And the said respective Officers aforesaid shall also receive the Sacrament of the Lords Supper according to the usage of the Church of Ireland, before the first Day of August, in the Year of our Lord One thousand seven hundred and four, in some Parish-Church upon some Lords Day, commonly called Sunday, immediately after Divine Service and Sermon.

All that shall be taken into any Office at any time shall take the Oaths and make the said Declaration at the next Term or Quarter Sessions for the Peace where he resideth.

And be it further Enacted by the Authority aforesaid, That all and every person and persons that shall be admitted, entered, placed or taken into any Office or Offices Civil or Military, or shall receive any Pay, Salary, Fee or Wages belonging to or by reason of any Office or Place of Trust by reason of any Patent or Grant from Her Majesty, or shall have Command or Place of Trust from or under Her Majesty, or any of Her Predecessors or Successors, or by Her or Their Authority, or by Authority derived from Her or Them within this Realm of Ireland, after the first Day of Easter Term aforesaid, shall take the said Oaths and repeat the said Declaration, and subscribe the said Oaths and Declaration in one of the said respective Courts in the next Term, or at the General Quarter Sessions for that County, Barony or Place where he or they shall reside, next after his or their respective Admittance or Admittances into any such Office or Offices as aforesaid, after such his or their Admittance or Admittances into the said Office or Offices, Employment or Employments aforesaid, between the Hours aforesaid, and no other; during which time all Proceedings shall cease as aforesaid: And that all and every such person or persons to be admitted after the said first Day of Easter Term, as aforesaid, not having taken the said Oaths in one of the said Courts, and subscribed the same and the said Declaration as aforesaid, shall in the next Term or at the General Quarter-Sessions for that County, Barony or Place where he or they shall reside, next after such his or their respective Admittance or Admittances into any of the said respective Offices or Employments aforesaid, after such his or their Admittance or Admittances into the said Office or Offices, Employment or Employments aforesaid, take the said several and respective Oaths, and make and repeat the said Declaration, and subscribe his Name or make his Mark under the said Oaths and Declaration, in one of the said respective Courts as aforesaid, between the Hours aforesaid, and no other; during which time all Proceedings shall cease as aforesaid: And all and every such person and persons so to be admitted as aforesaid, shall also receive the Sacrament of the Lords Supper according to the usage of the Church of Ireland, within Three Months after his or their Admittance in, or receiving their Authority and Employments, in some publick Church, upon the Lords-Day commonly called Sunday, immediately after Divine Service and Sermon: And every of the said respective persons touching whom the said several Provisions

visions are here before made in the respective Court where he or she takes the said Oaths, shall first deliver a Certificate of such his or her receiving the said Sacrament as aforesaid, under the Hands of the respective Minister and Church-Wardens; and shall then make proof of the truth thereof by two credible Witnesses at the least, upon Oath: All which shall be enquired of, and put upon Record in the respective Courts.

And be it further Enacted, That all and every the person or persons aforesaid who do or shall refuse or shall neglect to take the said Oaths and Sacrament, and to deliver such a Certificate of his receiving the Sacrament as aforesaid, or to subscribe the said Declaration as aforesaid, in one of the said Courts and Places, and at the respective times aforesaid, shall be ipso facto adjudged incapable and disabled in Law to all Intents and Purposes whatsoever, to have, occupy or enjoy the said Office or Offices, Employment or Employments, or any part of them, or any matter or thing aforesaid, or any profit or advantage appertaining to them, or any of them; and every such Office and Place, Employment and Employments, shall be void, and is hereby adjudged void: And that all and every such person or persons that shall neglect or refuse to take the said Oaths or the Sacrament as aforesaid, and make and subscribe such Declaration, and deliver such Certificate of his receiving the Sacrament as aforesaid, within the times and in the places aforesaid, and in the manner aforesaid, and yet after such neglect or refusal shall execute any of the said Offices or Employments after the said times expired wherein he or they ought to have taken the said Oaths, and made and subscribed the said Declaration; and being thereupon Lawfully Convicted in or upon any Information, Presentment or Indictment in any of Her Majesties Courts in Dublin, or at the Assizes, every such person and persons shall be disabled from thenceforth to Sue or use any Action, Bill, Plaint or Information in course of Law, or to Prosecute in any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any person, or capable of any Legacy or Deed of Gift, or to bear any Office within this Realm, and shall forfeit the Sum of Five Hundred Pounds, to be recovered by him or them that shall Sue for the same, to be Prosecuted by any Action of Debt, Suit, Bill, Plaint or Information, in any of Her Majesties said Courts in Dublin, wherein no Escoign, Protection or Wager of Law shall lye.

All refusing to take the said Oaths, subscribe the said Declaration, and take the Sacrament shall be adjudged incapable, &c.

None that refuse or neglect to be Guardian, Administrator, &c. or capable of any Legacy, &c.

And be it further Enacted by the Authority aforesaid, That the Names of all and singular such Persons and Officers aforesaid, that do, or shall take the Oaths, and make and subscribe such Declaration as aforesaid, shall be in the respective Courts of Chancery, Queens Bench, Common-Pleas and Exchequer, and the Quarter-Sessions, Inrolled with the Day and Year of their taking the said Oaths, and making and subscribing the said Declaration, in Rolls made and kept only for that intent and purpose, and for no other; to the Inrollment whereof, every person may resort and look on without Fee or Reward; and none of the person or persons aforesaid, shall give or pay any Fee or Reward to any Officers belonging to any of the Courts aforesaid, above the Sum of Six pence for his or their Entry, or his or their taking the Oaths aforesaid.

Their Names that take the Oaths, &c. to be Enrolled.

And be it further Enacted, That it shall and may be Lawful to and for the respective Courts aforesaid to give and Administer the Oaths, and Tender the Declaration aforesaid to the said person and persons; and on due tender of any person or persons to take the said Oaths, the said Courts are hereby enjoined and required to Administer the same.

On due tender the Courts to Administer the same.

Provided always, That any person who by any neglect or refusal, shall lose or forfeit any Office, may be capable of a new Grant of the said Office or of any other, and have and hold the same again, such person taking the said Oaths, and subscribing the same, and the said Declaration in such manner as aforesaid, and producing such Certificate as aforesaid, and proving the same at the time of taking the said Oaths as aforesaid, of his having received the Sacrament according to the usage of the Church of Ireland, within Three Months then last past, so as such Office be not granted to, and actually enjoyed by some other person, at the time of the Regranting thereof.

Any person after refusing or neglecting may upon taking the same, &c. be capable of places again, so as they are not granted away.

Provided also, That no such neglect to take the said Oaths and subscribe the same and the said Declaration, or receive the Sacrament, shall effect any person that now is, or at any time hereafter shall be in England, who by virtue of this Act ought to take the said Oaths, and make and subscribe the said Declaration, and receive the Sacrament of the Lords Supper as aforesaid, so that he take the

said

If in England
to be taken
in some of the
Four-Courts
in Westminster,
Sec.

said Oaths, and make and subscribe the said Declaration in one of Her Majesties Courts at Westminster, or at the General Quarter-Sessions for the County or Place where he shall reside, inhabit or be, and receive the Sacrament of the Lords Supper according to the usage of the Church of England, and produce such Certificate thereof at the time of his taking the said Oaths and subscribing the said Declaration, within the said respective times hereby appointed for performing the same in this Kingdom, or any person that now is, or at any time hereafter during the time, or any part thereof appointed for taking the said Oaths and receiving the Sacrament, shall be beyond the Seas out of England and Ireland, or in Her Majesties Service on Board the Fleet; so as such person do the next Term, or at the next General Quarter-Sessions for the County, Barony, or place where he shall reside after his return into England or Ireland, take the said Oaths, and repeat and subscribe the said Declaration, and receive the Sacrament within four Months after such his Return, according to the usage of the Church of England or Ireland, and shall deliver such Certificate thereof, and make such proof thereof at the time of his taking the said Oaths, and repeating and subscribing the said Declaration as aforesaid, either in England or Ireland; or any person or persons under the Age of Eighteen or found by an Inquisition to be Non Compos Mentis, so as such person or persons within four Months next after their coming to the said Age of Eighteen, or becoming of sound Mind, take the said Oaths, and subscribe the same and the said Declaration, and receive the Sacrament of the Lords Supper, according to the usage of the Church of Ireland, and produce such Certificate thereof as aforesaid, at the time of the taking the said Oaths, in like manner as other persons admitted or to be admitted into any Office or Employment, are herein before appointed to do: nor shall be construed to make void the Grant of any Office or Offices of Inheritance, or any Fee, Salary or Reward, for Executing such Office or Offices; so as such person or persons having or enjoying any such Office or Offices of Inheritance, do and shall substitute some Protestant or Protestants, being duly qualified to Execute the said Office or Offices, to be his or their Deputy or Deputies, which such Officer or Officers respectively are hereby Impowered from time to time to make or change, to Exercise the said Office or Offices, until such time as the person or persons having such Office or Offices, shall voluntarily in one of the Courts aforesaid take the said Oaths, and subscribe the same and the said Declaration, and receive the Sacrament of the Lords Supper according to the usage of the Church of Ireland, and produce a Certificate thereof at the time of his taking the said Oaths: and so as all and every such Deputy and Deputies take the said Oaths, and subscribe the same and the said Declaration in one of the Courts or Places aforesaid, and receive the Sacrament of the Lords Supper, and produce a Certificate thereof at the time of his taking and subscribing the said Oath and Declaration, in such manner as such Officers, whose Deputies they are, are hereby appointed to do; so as such Deputy or Deputies be from time to time approved of by the Queens Most Excellent Majesty, or the Chief Governor or Governors of this Realm: or to extend to the Office of any High-Constable, Petty-Constable, Tything man, Head-Borough, Overseer of the Poor, Church-Wardens, Surveyors of the High-Ways, or any like Inferior or Civil Office in the Kingdom of Ireland, or any Office of Forester or Keeper of any Park, Chase, Warren or Game, or Wayliff of any Mannor or Lands, or any like private Offices.

In what case
the Deputy,
Sec. may take
the said
Oaths.

And whereas by an Act made in the Reign of the late King Charles the Second, Intituled, An Act for the Explaining some Doubts arising upon an Act, Intituled, "An Act for the better Execution of His Majesties Gracious Declaration for the Settlement of this Kingdom of Ireland, and Satisfaction of the several Interests of the several Adventurers, Soldiers and other His Subjects there:" And for making some Alterations of, and Additions unto the said Act for the more speedy and effectual Settlement of the said Kingdom: It is amongst other things provided, That no person or persons should purchase any Houses, therein mentioned within any Corporation in this Kingdom, nor take any Lease thereof, but such as should take the Oaths of Allegiance and Supremacy, without the Licence of the Chief Governor or Governors of this Kingdom, and Privy Council: Which Law if it had been duly observed, would in great measure have prevented the late Rebellion in this Kingdom.

And whereas the Peace and Safety of this Kingdom and the Welfare of Your Majesties Protestant Subjects, will much depend on the Security of the City of Limerick and Town of Galway, and on their being in Possession of Your Majesties Protestant

Protestant Subjects, being considerable Garrisons in this Your Majesty's Kingdom: We it Enacted by the Authority aforesaid, That no person or persons that are or shall be Papists, or profess the Popish Religion, shall or may after the Twenty fourth Day of March, in the Year of our Lord One thousand seven hundred and three, take or purchase any House or Tenement, or come to dwell or inhabit within the said City of Limerick, or Suburbs thereof, or within the Town of Galway, shall before the said Twenty fourth Day March next ensuing, before the Chief Magistrate of the said respective City or Town become bound to Her Majesty, Her Heirs and Successors, with two sufficient Sureties, in a reasonable Penal Sum to be ascertained by the Chief Magistrate, Recorder and Sheriffs of the said City and Town respectively, or any two of them, with Condition for his or her faithfully bearing themselves towards Her Majesty, Her Heirs and Successors; or in default of giving such Security, such persons shall depart out of the said City, Suburbs and Town aforesaid, on or before the Twenty fifth Day of March in the Year of our Lord One thousand seven hundred and five.

No Papist to take or purchase any House or Tenement, or come to dwell within Limerick, or Galway.

And for the preventing Papists having it in their power to breed Dissention amongst Protestants by Voting at Elections of Members of Parliament; We it further Enacted by the Authority aforesaid, That from and after the Twenty fourth Day of March, One thousand seven hundred and three, no Freeholder, Burgess, Freeman or Inhabitant of this Kingdom, being a Papist, or professing the Popish Religion, shall at any time hereafter be capable of giving his or their Vote for the Election of Knights of any Shires or Counties within this Kingdom, or Citizens or Burgesses to serve in any succeeding Parliament, without first repairing to the General Quarter-Sessions of the Peace to be holden for the Counties, Cities or Boroughs wherein such Papist do Inhabit and dwell, and there voluntarily take the Oath of Allegiance in the Words following, viz.

No Papist to Vote for Electing Members of Parliament, unless they take the following Oath, and the Oath of Abjuration.

I A. B. do sincerely Promise and Swear, That I will be Faithful and bear true Allegiance to Her Majesty Queen *ANNE*. *So help me GOD, &c.*

And also the Oath of Abjuration aforesaid: And after the taking of the said several Oaths aforesaid, the Clerk of the Peace officiating in the Sessions, shall, and is by this Act directed to Enter the same upon Record in the Rolls of the said Sessions; and is hereby Impowered and Required to give and deliver to such person or persons so taking the said Oaths, a Certificate of such persons so taking and subscribing the same, for which Certificate the Sum of One Shilling, and no more, shall be paid: Which said Certificate being produced to the High Sheriff of the said County or any of his Deputies, at any such Election for Knights of the Shire, and to the respective Chief Officer or Officers of any City, Town Corporate or Borough in this Kingdom, to whom the Return of any Citizen or Burgess to serve in Parliament doth or shall respectively belong, he or they shall be permitted to Vote as amply and fully as any Protestant Freeholder, Burgess or Freeman, or Inhabitant of the said County, City or Borough: But in case any Freeholder, Burgess, Freeman or Inhabitant, being a Papist, shall appear at any such Election as aforesaid, and tender himself to be Poll'd for any Candidate who shall stand for Knight of the Shire, Citizen or Burgess to serve in any ensuing Parliament, without producing such Certificate, as aforesaid, to the said Sheriff, or other Officer or Officers as aforesaid; the said Sheriff, or other Officer or Officers, to whom such Return doth or shall respectively belong, shall reject such person, and absolutely refuse to enter his Vote as if he were no Freeholder of the said County, or Burgess, Freeman or Inhabitant of the said City or Borough; any former Law, Statute or Usage to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That where any Papist or person professing the Popish Religion do or shall claim, enjoy or possess any Advowson or Advowsons of Churches, right of Patronage or Presentation to any Ecclesiastical Benefice, or where any Protestant or Protestants do or shall hold, claim, enjoy or possess any Advowson or Advowsons of Churches, right of Patronage or Presentation to any Ecclesiastical Benefice or Benefices in Trust, or for the Use and Benefit of any Papist or Papists whatsoever; that every such Advowson and right of Patronage and Presentation shall be hereby ipso facto Vested in Her Majesty, Her Heirs and Successors, according to such Estates as such Papist had in the same until such time as such Papist, or the Heir or Heirs of such Papist, shall take the said Oath, and subscribe the said Declaration and Abjuration, and conform as aforesaid.

Any Papist claiming Advowsons or Presentations to Benefices, &c. be Invested in Her Majesty and Her Heirs.

All meetings
at St. Patrick's
Purgatory or
pretended
Sanctified
Wells reckoned
unlawful
and Riotous
Assemblies.

And whereas the Superstitions of Popery are greatly increased and upheld by the pretended Sanctity of Places, especially of a Place called Saint Patrick's Purgatory in the County of Donegal, and of Wells, to which Pilgrimages are made by vast Numbers at certain Seasons; by which not only the Peace of the Publick is greatly disturbed, but the Safety of the Government also hazarded by the riotous and unlawful Assembling together of many Thousand of Papists to the said Wells and other Places; Be it further Enacted, That all such Meetings and Assemblies shall be deemed and adjudged Riots and unlawful Assemblies, and punishable as such in all or any Persons meeting at such places as aforesaid: And all Sheriffs, Justices of the Peace, and other Magistrates, are hereby required to be diligent in putting the Laws in force against all Offenders in the above particulars, in due Execution.

The Offender to forfeit
Ten Shillings
or to be
Whipt.

And for the more Effectual preventing and suppressing all such Superstitions, Dangerous and unlawful Assemblies; Be it further Enacted, That all and every person and persons meeting or assembling at Saint Patrick's Purgatory aforesaid, or at any such Well or Place contrary to this Act; and who shall be thereof Convicted by his or their own Confession, or by the Testimony of one or more sufficient Witnesses or Witnesses, upon Oath before any Justice of the Peace in any County, or Mayor or other Chief Magistrate of any City, Borough, Town or Corporation, who shall have Power by virtue of this Act to punish such Offences where the Offence shall be committed, or the Party offending apprehended, shall forfeit the Sum of Ten Shillings, to be paid at such time as by the said Justice of the Peace or other Chief Magistrate shall be appointed, the one moiety thereof to such person or persons who shall give Information of the said Offence, and procure such Offender or Offenders to be Convicted, the other moiety to be disposed of to the Poor of the Parish where such Offender shall be Convicted: and if such Offender or Offenders shall neglect or refuse to pay the said Sums, to be Assessed or Appointed as aforesaid, then the Justices of the Peace or other Chief Magistrate shall Commit all and every such Offender and Offenders to some Constable or other Inferior Officer of the County, City, Town or Corporation, where the said Offence shall be Committed or the party Apprehended, to be publicly Whipped; which Punishment the said Constable or other Inferior Officer is hereby required publicly to Indict and Execute upon such Offender pursuant to the Order of the said Justice of the Peace or other Chief Magistrate, within the space of Twenty four Hours after such Order received: And that all and every person and persons who at such Assemblies build Booths, sell Ale, Victuals or other Commodities, and shall be thereof lawfully Convicted by the View of any Justice of the Peace of the same County, or of any Chief Magistrate within such Town wherein the same shall or may be, or by Confession of the party, or by the Oath of one or more credible Witnesses or Witnesses before such Justice of the Peace or other Chief Magistrate, as aforesaid, shall forfeit and pay the Sum of Twenty Shillings, to be forthwith levied by Distress and Sale of the Goods of such Offender; and in default of Distress, by the Imprisonment of the said Offender till payment thereof; all and every the said Penalties of Twenty Shillings to be applied to the Use and Service of the Publick in such manner as the Justices of the Peace for the said County at their General Quarter-Sessions shall appoint: And all and every the said Magistrates are hereby required to Demolish all Crosses, Pictures and Inscriptions that are any where publicly set up, and are the occasions of any Popish Superstitions.

All that shall
build Booths,
sell Ale and
Victuals or
other Com-
modities, shall
forfeit Twenty
shillings.

No Labourer,
Seaman or
Fisherman
hindred to
live in the
Suburbs of
Limerick or
Galway,

Provided always, That nothing herein contained shall be construed to hinder Seamen, Fishermen or Day-Labourers from holding or dwelling in Houses worth forty Shillings the Year, or under, within the Suburbs of the City of Limerick, or of the Town of Galway.

C H A P. VII.

An Act for Registering the Popish Clergy.

C H A P. VIII.

An Act for Quietening Possessions, and Disposing of the Undisposed and Plus Acres.

Persons in
possession on
the first of
October 1702,

Whereas it will very much tend to the prosperity of this Kingdom, which hath been almost Ruined by the frequent Rebellion of Irish Papists, and to the Increase of Your Majesty's Revenue, that Your good Subjects be quieted in their possessions, and encouraged to plant and improve the Country; Her

Her Majesty at the Humble Suit of Her Subjects is Graciously pleased that it may be Enacted; Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the Lands called Plus Lands, or Plus Acres, which are parcels of Denominations of Lands undisposed of, where the residue of such Denominations have been granted to one or more by Patent, shall be vested in such person and persons who on the first Day of October, One thousand seven hundred and two, were in possession of such Plus Acres by themselves, their Tenants or Under-tenants, or those deriving by, from or under them in their right, or under pretence or colour thereof; which said person or persons shall and may hold and enjoy such Plus Acres to them and their Heirs for ever; liable nevertheless to such Quit-Rent, from the said first Day of October for the same pro rata, as is payable out of the other part of such Denominations, and to no other Rent whatsoever.

by himself or Tenant, or those deriving under them, may hold them for ever paying Quit-Rent.

And to the end the same may the better be put in charge, and that all Controversies and Disputes about the possession of such Plus Acres may be prevented or soon determined, the chief Governor or Governors of this Kingdom for the time being, and Six or more of the Privy Council are hereby Impowered and Authorized within Three Years Summarily to Hear and Determine the respective Claims of the several pretenders to the possession of the said Plus Acres on the said first Day of October, One thousand seven hundred and two; and to Swear and Examine Witnesses to ascertain the Fees of all Officers relating to such Claims and the Inrollment thereof; and to do whatever else shall be necessary to a Judicial Determination of such possession; and their Decree, which shall always ascertain the Quit-Rent, and be Entered and Enrolled in the Auditor General's Office, shall be final and conclusive to all parties, and shall be as good and sufficient in all Courts and places as if the said Lands had been granted by Letters Patents.

The chief Governor and Six or more of the Council to determine the Claim of any Pretender, &c.

And whereas there are several Denominations of Lands entirely undisposed, which as also some of the aforesaid Plus Acres are so coarse and barren that they are not worth the Quit-Rent they are liable unto, and therefore remain Desolate and not Inhabited, but are a Receptacle for Thieves, Robbers and Coxes, to the great Detriment of the Country, and the Decay of Her Majesties Revenue; Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful for the Lord Lieutenant, or other chief Governor or Governors of this Kingdom for the time being, and Six or more of the Privy Council, to Demise, Set or Grant the same to such person or persons, being Protestants, and for such Term of Years as they shall think fit, at such a reasonable Rent as may Encourage such person and persons to plant and Inhabit the same.

The chief Governor or Governors and Six or more of the Privy Council may set the Lands for any term such of the Lands undisposed of.

Provided always, That nothing herein contained shall extend, or be construed to avoid any Right, Title, Estate, Settlement, Lease, Charge, or other Conveyance or Incumbrance whatsoever, in Law or Equity, made, done or executed by the persons whose Estates or Possessions are hereby confirmed, or by the person or persons under whom he or they derive; but that the same, and all other Right and Titles, except the Right and Titles of Her Majesty, Her Heirs and Successors, to the said Lands, shall be and remain of the same force and effect between the parties against them, and every of them, as if this Act had never been made.

Provided that nothing shall avoid any right of persons whose Estates are hereby confirmed.

CHAP. IX.

An Act for Quieting Ecclesiastical Persons in their Possessions.

Whereas by an Act made in the Tenth Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, An Act for Confirming Estates and Possessions held and enjoyed under the Acts of Settlement and Explanation. It is Enacted, That from and after the Nine and Twentieth Day of October, One thousand six hundred ninety eight, no person or persons whatsoever having, holding or enjoying any Houses, Lands, Tenements or Hereditaments, by virtue of any Certificates and Letters Patents pursuant to the said Acts of Settlement and Explanation, or either of them, shall be liable to be removed from thence, or be obliged to relinquish his or their Interest, Estate or possession therein, on any Reprials given or offered to be given by any person or persons Intituled, or pretended to be Intituled to the same, as a Promoter, Letter, Ensign-man, Provisor-man, or by any other ways or means whatsoever, by

Every Arch-Bishop, Bishop, or other Ecclesiastical person, shall hold their Manors, &c. against every person Claiming as Nominees, &c. as any Patentee, provided for 10 s. 3d and 2th, might

hold or enjoy the same.

No person Decreed Innocent, and by his Decree left to Law, who hath not brought any Action, or actually recovered the Houses, Lands, &c. shall bring any Action but his pretended Right for ever Extinguished.

No Arch-Bishop, Bishop, or other Ecclesiastical person shall be Sued or Impleaded on pretence of any ancient Incumbrance by Judgment, &c. entred into before the 23d October 1641, or if depending and not prosecuted no Process to be Sued.

virtue of the said Act of Settlement and Explanation, or either of them; but that every such Patentee, his Heirs and Assigns, shall and may for ever have, hold and enjoy the said Lands, Tenements and Hereditaments, according to the Estate granted to him or them, freed and discharged from the several Clauses and Provisoes in the said Acts, or either of them, whereby he was made liable to accept of Reprials for the same; and shall have, hold, and enjoy the said Lands, Tenements and Hereditaments for the future confirmed unto him, his Heirs and Assigns, according to the Estate limited in the said Letters Patents, against all and every person and persons claiming the same as a Prominee, Letterer, Ensign-man, Provisoe-man, or by any other ways or means as aforesaid, to all intents and purposes, as any other Patentee by virtue of the said Act does or ought to enjoy the Lands, Tenements or Hereditaments granted unto him; and also, that no person or persons Decreed Innocent, and by his or their Decree left to Law, who hath not hitherto brought any Action for, and actually recovered the Houses, Lands, Tenements and Hereditaments for which he was so left to Law, shall at any time after the passing the said Act be admitted to bring any Action or Suit whatsoever for the recovery thereof, but shall be debarred from so doing, and his pretended Right be for ever Determined, Annulled and Extinguished.

And forasmuch as it seems reasonable that all Arch-Bishops, Bishops, Deans and Chapter, Ministers, and all other Ecclesiastical persons, many of whose writings, and other Evidences have been lost during the late War in this Kingdom, shall be Quietted and Established in their possessions, and freed from all Ancient Incumbrances; Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all and every Arch-Bishop, Bishop, Dean and Chapter, Parson, Vicar, and all and every other Ecclesiastical person or persons whatsoever, and his and their Successor and Successors, shall from henceforth have, hold, possess and enjoy all an singular their Manors, Lands, Tenements and Hereditaments, against all and every person and persons claiming the same, as Prominee, Letterer, Ensign-man or Provisoe-man, in such manner as any Patentee, provided for by the said Act may hold and enjoy the same; And that no person or persons Decreed Innocent, and by his Decree left to Law, who hath not hitherto brought any Action for, and actually recovered the Houses, Lands, Tenements and Hereditaments for which he was so left to Law, shall at any time after the passing this Act be admitted to bring any Action or Suit whatsoever, for recovery thereof against such Arch-Bishop, Bishop or other person whatsoever; but shall be debarred from so doing, and his pretended Right for ever Determined, Annulled and Extinguished.

And be it further Enacted by the Authority aforesaid, for the effectual Establishing the Estate and possessions of such Arch-Bishops, Bishops, Deans and Chapter, and other Ecclesiastical persons, and for preventing their being Sued or Impleaded on pretence of any Ancient Incumbrances, be they Judgments, Recognizances, Statutes Merchant or of the Staple, acknowledged or entered into on or before the Twenty Third Day of October, in the Year of our Lord One thousand six hundred forty one, that are not now depending, or if depending, have not been prosecuted since the Twenty Third Day of October, One thousand six hundred ninety one; that from henceforth no Action shall lie, nor Suit be admitted or prosecuted on any such Ancient Incumbrance for charging any Lands, Tenements or Hereditaments of any such Arch-Bishop, Bishop, or other Ecclesiastical person in any Court either in Law or Equity; but that the Lands, Tenements and Hereditaments of such Arch-Bishop, Bishop, or other Ecclesiastical persons shall be discharged thereof: And that no Process, Scire facias or Execution whatsoever shall ever Issue at any time hereafter on any such Ancient Incumbrance, but that the same as to the said Arch-Bishops, Bishops, and other Ecclesiastical persons, and their Lands, Tenements and Hereditaments, shall be taken and adjudged to be null and void.

Nothing contained herein prejudice any Debt, Right, &c. contained or mentioned in any Judgment, &c. obtained by any Protestant in the late Court

Provided always, That nothing herein contained shall extend or be construed to extend in any wise to prejudice any Debt, Right, Title, Interest or Estate of, in, out of, or unto any Lands, Tenements or Hereditaments contained or mentioned in any Judgment or Decree obtained by any Protestant or Protestants in the late Court, or pretended Court for Adjudication of the Claims of Innocents, or in the Court of Exchequer, or any the Four Courts sitting at Dublin before the Two and Twentieth Day of August, One thousand six hundred sixty three; nor to any Chiefry or other Incumbrances whereof or whereon any Interest, Sum of Money,

or other consideration hath been received since the passing the Letters Patents of such Forfeited Lands, Tenements and Hereditaments claimed, to be liable thereunto.

CHAP. X.

An Act for the Exchange of Glebes belonging to Churches in this Kingdom.

WHEREAS several Glebes in this Kingdom lie at a great distance from the Churches to which they belong, and some in other Parishes, whereby the Residence of the Incumbents on the said Glebes is become either impracticable or less Useful than is fitting; For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, and by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That it shall and may be lawful to and for the several Rectors, Vicars, and other persons, having any Cure of Souls in this Kingdom, by Deed or Deeds to Exchange such Glebes as lie at a distance from the Parish Church, or any part of such Glebes with any Arch-Bishop, Bishop, or other person, for Lands of equal value, worth and purchase, lying near and convenient to the said Church.

Provided, the Bishop of the Diocess with his Dean and Chapter, under his and their common Seals and the Patron of such Church, or his lawful Attorney, where the Patronage is in any other than the Bishop, under his Hand and Seal to such Deed or Deeds of Exchange, approve thereof; and where the Patronage is in the Crown, the chief Governor or Governors of this Kingdom for the time being shall be, and are hereby Impowered to give consent to such Deed or Deeds of Exchange in Writing under his or their Hands and Seals.

And to avoid all fraud, robin or mistake in such Exchange; Be it Enacted by the Authority aforesaid, That before the Sealing and perfecting such Deeds of Exchange, the Sheriff of the County where both or either of the Lands to be Exchanged as aforesaid shall be, at the request of the Bishop, Patron and parties concerned, may call a Jury of Twelve good and indifferent Free-holders, whereof Notice shall be given at some preceding County Court, and likewise of the time and place, where and when, the said Jury is to meet: And the said Jury shall inquire of the true value and quantity of the Lands and conveniency of the Exchange of the said Lands to be so Exchanged, by the Oaths of good knowing and substantial Witnesses; and the said value and conveniencie so found, together with the Oaths and Bounds thereof, shall return to the Bishop where both or either of the said Lands to be so Exchanged are, who shall procure the said Return and Deeds of Exchange to be Recorded in the Court of Exchequer, in the first Remembrancer's Office; for which Inquest the Sheriff shall receive by way of Fees Ten Shillings: And the said Remembrancer shall put the same on Record, and for the Recording the same and the said Deeds, shall receive Six Shillings and Eight Pence, and no more.

And be it Enacted, That the said Lands so given in Exchange for such Glebes, or any part thereof so Exchanged, shall be held and enjoyed by such Rectors or Vicars, and their Successors for ever as Glebe, notwithstanding the same did formerly belong to any Arch-Bishop, Bishop, Tenant for Life or in Tail, with the consent of the person immediately next in Remainder: In all which cases such old Glebe, or the part of the said Glebe so given in Exchange, shall remain and be to such Uses as the Land given for the same was formerly limited.

And be it further Enacted, That it shall and may be Lawful to and for every Arch-Bishop and Bishop, Dean, Dignitary or Prebendary, having Land belonging to their Bishopricks, Deanry, Dignity or Prebend, near any Church, and convenient for a Glebe for the said Church, not already Indowed with Twenty Acres of Glebe, by and with the Advice and Consent of his respective Dean and Chapter, to grant any quantity thereof, not exceeding Twenty Acres Plantation-Peasure, to the Rector or Vicar, or other Ecclesiastical person, having the actual Cure of Souls, and their Successors, at the Poerty of the present Yearly Rent per Annum, or for any greater Sum: Which Rent shall be paid by such Rectors or Vicars, and other Ecclesiastical persons having the actual Cure of Souls, and their Successors, to the said Bishop, Dean, Dignitary or Prebendary, and their respective Successors for ever, by four equal portions (that is to say) At the Feast of the Annunciation of the Blessed Virgin Mary, the Feast of St. John the Bap-

of Adjudication of Claims of Innocents or Court of Exchequer. Ge. before the 22d Day of Aug. 1663, nor any Chief-ry. Ge. whereon any Interest or Sum of Money, Ge. Any person having Cure of Souls may exchange Glebes that lye at a distance for those of equal value lying more contiguous.

Provided the Bishop of the Diocess, with his Dean and Chapter, under his and their Hands and Seals, and the Patron or his Attorney under his Hand and Seal approve thereof, it in the Crown the chief Governor under his Hand and Seal.

To avoid all fraud, &c. a Jury of 12 Men may be called by the Sheriff at the request of the persons concerned.

To be Recorded in the Exchequer, the Sheriff for the Inquest to have 10s, and the Remembrancer for Recording the same Six Shillings Eight Pence.

till, the Feast of St. Michael the Arch-Angel, and of the Featibity of our Blessed Lord and Saviour : And in case of Non-payment, that it shall be lawful for the said Bishop, Dean, Dignitary or Prebendary, his or their Successors, to Distrain or Sue for the same, and all Arrears thereof.

And be it Enacted, That the said Twenty Acres, or lesser quantity of Land so granted as aforesaid, shall be reputed and taken as the Glebe of the Parish to whose Incumbent and Successors it is granted : This Act to be in force for One and Twenty Years, and no longer.

C H A P. XI.

An Act for Building several Parish-Churches in more convenient Places.

*Fanlobbus in
the County
of Cork.*

Whereas the Parish-Church of the Parish of Fanlobbus in the Diocess of Cork, is in a ruinous condition, and inconveniently Situate, remote from the Protestant Inhabitants of the said Parish ; Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That it shall and may be Lawful to and for the Bishop of Cork, and the Rector, Vicar, or other Incumbent of the said Parish for the time being, with the consent of the major part of the Protestant Inhabitants thereof in Writing under their Hands and Seals, to Build a new Church in such more convenient place to the said Parish, as they shall think fit, the Land for the Church and Church-Yard being first conveyed by the Proprietor of such place to the Church-Wardens of the said Parish and their Successors for ever ; who are hereby enabled to take and receive a Grant of the same, to them and their Successors in trust for, and to the use of the said Parish ; and that such new Church, when Built and Consecrated, be reputed and remain the Parish-Church of the said Parish for ever : And that the Parish-Church of the Parish of Kilmacomoge in the County of Cork, being also ruinous and inconveniently Situate, may in like manner and upon the same term, and with the like consent as aforesaid, be removed, and new Built in some more convenient place in the said Parish ; and that such new Church, when Built and Consecrated as aforesaid, shall for ever be reputed and remain the only Parish-Church of the said Parish of Kilmacomoge for ever.

*Kilmacomoge
in the Coun-
ty of Cork.*

*Drumaul in
the Diocess of
Connor.*

And whereas the Parish-Church of Drumaul lying in the Diocess of Connor and County of Antrim, is now ruinous, and the Situation of it very inconvenient for the Parishioners to resort unto : And whereas the Earl of Donnegall the Patron of the said Church, and Edward Lord Bishop of Down and Connor, the present Bishop of the said Diocess, the Incumbent and the Parishioners of the said Parish, by an Act of Assembly have chosen and presented the Corporate Town of Randalstown, lying within the said Parish, to be a more convenient Situation for the said Parish-Church ; Be it Enacted by the Authority aforesaid, That the said Parish-Church shall be Built in some convenient part of that piece, parcel or plot of Ground in the Town-Land of Dunmore near the said Town of Randalstown within the said Parish, now and formerly used for a Burying-place ; and that the Church to be Built on the said plot of Ground, so soon as it shall be finished and Consecrated, shall be deemed and reputed the true and only Parish-Church of the said Parish of Drumaul to all intents and purposes whatsoever.

*Finvoy in the
Diocess of
Connor.*

And whereas the Parish-Church of Finvoy within the Diocess of Connor and County of Antrim, is also ruinous, and the old Situation of it is very inconvenient for the Parishioners to resort unto : And whereas the said Edward Lord Bishop of Down and Connor, who in right of his said See of Connor is Patron of the said Parish, and Doctor Anthony Cope the present Incumbent thereof ; and also the Parishioners of the said Parish by an Act of Assembly have chosen and represented another place upon the Estate of Benjamin Galland Esquire, within the said Parish ; and have accordingly laid the Foundation of a new Church in the said place : Be it Enacted, That the said new Church, when finished and Consecrated, shall be deemed and reputed the true and only Parish-Church of Finvoy, to intents and purposes whatsoever.

Provided, That the Ground whereon the said Church standeth shall with a convenient Church-Yard be first conveyed by Benjamin Galland Esquire, proprietor thereof, and his Heirs, to the Church-Wardens of the said Parish and their Successors, in Trust and for the Use of the said Parish ; who are hereby enabled, notwithstanding the Act of Poymaine, to take the same.

And

And whereas the Parish of Kilead in the said Diocess of Connor and County of Antrim, though very large and well Inhabited, wants a Parish-Church; and that the Situation of the old Parish-Church cannot be now ascertained: And whereas the Lord Viscount Massareen the Patron of the said Church, and the said Edward Bishop of Down and Connor, and the present Incumbent and Parishioners by an Act of Vestry have determined to Build a Church for the said Parish; and that a Sum of Money is laid on and apportioned by the same Act of Vestry for Building the said Church, but that the Ground on which the said Church shall be Built is not yet fixed and determined: And whereas Application is now making for a convenient piece of Ground near the centre of the said Parish; Be it Enacted, That when such Ground shall be obtained, and a Church shall be Built, Finished and Consecrated upon it, that the said Church shall be deemed and reputed the true and only Parish-Church of Kilead, to all intents and purposes whatsoever.

Provided, That the Ground on which the said Church shall be Built, shall with a convenient Church-Pard be first conveyed by the proprietor of such Ground to the Church-Wardens of the said Parish and their Successors, in trust and for the use of the said Parish, who are hereby enabled, notwithstanding the Act of Portmaine, to take the same.

And whereas the three Parishes of Kilcommon, Robeen, and Tokeen, in the Diocess of Tuam, and in the Collation of the Arch-Bishop of Tuam in right of his Sec, are held in Title with other Livings by one Incumbent, from which it is fit they should be divided after his Incumbency, and are fit to be perpetually united in themselves: And whereas the Parish Churches of the said three Livings are all utterly ruined, and also inconveniently Situated for the Parishioners.

Kilcommon, Robeen and Tokeen in the Diocess of Tuam, to be united for ever by the Name of Kilcommon alias Hollymoath.

And whereas the Sum of Seventy pounds was Assigned out of the Impropriate Tythes lately Forfeited in this Kingdom, to Build a Church in the Parish of Kilcommon, which Sum will not be sufficient to do the same, the Arch-Bishop is willing to bestow One hundred pounds more of his own, and to convey one plot of Ground of his own Inheritance for a Church-Pard, wherein the said Church may be Erected and Built; and also one other plot for a House, Shed and Garden, where the Minister may DWELL near the said Church, and in such place as may be most convenient for the Inhabitants of the said three Parishes to resort unto for Divine Service: Be it therefore Enacted by the Authority aforesaid, That the said three Parishes shall be, and are hereby United and Consolidated for ever, by the Name of the Parish of Kilcommon alias Hollymoath, and shall be deemed and held under one Title, as one Parish intire in it self, and distinguished from any other; and that it shall and may be Lawful for the present Arch-Bishop and his Heirs, to convey without Licence of Portmaine to the Church-Wardens of the said Parish, and their Successors for ever, such plots of Ground as shall be necessary for the Uses aforesaid.

Provided, That the Church be Built on a new Foundation, shall be placed as near the Center of the said United Parishes as may be, and that the consent of the major part of the Protestant Inhabitants of the said Parishes be first had thereunto under their Hands and Seals; which Church, when Built and Consecrated, shall be reputed the Parish Church of the said United Parishes to all intents and purposes whatsoever.

Saving to the Queen's Majesty, Her Heirs and Successors, and to the Arch-Bishop of Tuam and his Successors, and to the present Incumbent only during his Incumbency, all such right and interest as they or any of them had in the said Parishes before they were thus United.

And whereas the Parishes of Aglish and Ilanedin, in the Rectory of Drumrany, lying intermixt with the Parishes of Breaghwy and Turlogh, in the Diocess of the said Arch-Bishop of Tuam, and in the Collation of the said Arch-Bishop in right of his said Sec, are Contiguous, and fit to be perpetually United: And whereas the Inhabitants of the said Parishes have Built and almost Finished a Church upon a new Foundation in the Town of Castlebar and Parish of Aglish, near the Center of the aforesaid Parishes, all the old Churches of the said Parishes being utterly ruined and inconveniently situated for the Protestant Inhabitants of the said Parishes: Be it therefore Enacted by the Authority aforesaid, That the said Parishes shall be, and are hereby for ever United and made one entire Parish, by the Name of the Parish of Aglish alias Castlebar, and that when the Ground whereon the said Church standeth, with a convenient Church-Pard, shall be conveyed by Sir Henry Bingham Baronet, Proprietor thereof, or his Heirs, to the

Aglish, Ilanedin the Rectory of Drumrany, the Parishes of Breaghwy and Turlogh in the Diocess of Tuam to be united by the Name of Aglish alias Castlebar.

Church-Wardens of the said Parish and their Successors; who are hereby enabled, notwithstanding the Statute of Poymaine, to take the same: The said Church being duly finished and Consecrated, shall thenceforth be deemed and reputed the only Parish Church of the said United Parishes, to all intents and purposes whatsoever.

Saving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to the Arch-Bishop of Tuam and his Successors, and to the present Incumbents during their Incumbency, all such Right, Title and Interest as they or any of them before the passing of this Act; any thing herein had contained to the contrary notwithstanding.

*Ballywater,
Ballyhabbert,
Inishargy.*

And whereas the aforesaid Edward Lord Bishop of Down and Connor and Sir Hans Hamilton Baronet, Patron, and Robert Hamilton and Hans Montgomery Vicars of the Parishes of Ballywater, Ballyhabbert and Inishargy in the Diocess of Down, have consented to the perpetual Union of the said Parishes from and after the Death of either of the said Incumbents, and that the Survivor shall have the said three Parishes; and that one Parish Church shall be Created in one of the Town Lands of the Parish of Inishargy, which is conveniently Situated near the Centre of the said three Parishes; Be it therefore Enacted by the Authority aforesaid, That the said three Parishes shall be for ever United from and after the Death of either of the said Incumbents; and that the Survivor of the said Incumbents shall have the Vicarage of the said three Parishes during his Life; and after his Death the said Sir Hans Hamilton, his Heirs or Assigns, the undoubted Patrons of the said three Parishes, shall have and continue his and their Right of Presentation to the said Union as if the said Parishes had continued distinct as heretofore: And that a Church shall be Built and Created in one of the Town Lands of the Parish of Inishargy, in such place as shall be appointed by the Bishop of the said Diocess, with the consent of the owner of the Land; the same with a convenient Church-Pard being first conveyed to the Church-Wardens of the said United Parishes and their Successors for ever, at the Expence of the said United Parishes, to be Assessed and Apportioned by the Vestry in the same manner as the Church of each Parish if distinct, ought to have been Built and Repaired if this Act had never been made: And the said Church, when Built and Consecrated, shall for ever remain and be deemed and reputed the true and only Parish Church of the said three Parishes, to all intents and purposes whatsoever.

Rings End

And whereas the Inhabitants of Rings-End near Dublin being numerous, are at a distance from Donebrook their Parish Church, which is so inconveniently Situated, that the said Inhabitants often cannot come to attend Divine Service in the said Church by reason of floods and overflowing of the High-Way by Tides and Waters; many of the Queens Officers belonging to the Port of Dublin, many Strangers and Seamen do frequent the said Rings-End, and are detained there on the Lords Day; all which are Deprived of the Service of God for want of a Church or Chappel for publick Worship near the said Rings-End: And whereas the Arch-Bishop of Dublin, in whose Diocess the said Rings-End lies, as also Doctor Enoch Reader, Arch-Deacon of Dublin, present Incumbent of the Parish of Donebrook, wherein the said Rings-End is, are humble Suiters to Her Most Excellent Majesty, that a Church or Chappel may be Created in some convenient place at Rings-End aforesaid: And whereas the Land near and convenient for the Creating such a Church or Chappel belongs to Thomas Lord Viscount Merion, who is willing to grant and convey a sufficient parcel of Land to the use aforesaid; Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Right Honourable Thomas Lord Viscount Merion, to set out and convey to the Lord Arch-Bishop of Dublin and his Successors, for a place for the Creating a Church or Chappel, and for a Church-Pard and other conveniences for the said Church or Chappel for the use of the said Inhabitants of Rings-End, any quantity of Land not exceeding two Acres Plantation-Measure, notwithstanding any Settlement of the said two Acres: And that it may and shall be lawful for the said Arch-Bishop and his Successors to apply One hundred Pounds out of the Forfeited Tythes appointed for the building the ruined Churches of Ireland, to the building the said Church or Chappel.

And be it further Enacted by the Authority aforesaid, That this Act shall be taken and esteemed a Publick and General Act by all Judges in all Courts in this Kingdom.

And

And whereas the Parish Church of the Parish of Arcklow in the Diocese of Dublin, is ruinous and inconveniently seated : And whereas Sir Lawrence Esmond and Benjamin Mountony Esquire, have conveyed the Site of the Abby of Arcklow for the Place of a Parish Church, being convenient for the same purpose ; Be it Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Arch-Bishop of Dublin, with the Consent of the present Incumbent and of the Vestry of the said Parish, to Constitute and Erect the said Abby into a Parish Church ; and that after the Erection of the said Abby into a Parish Church the Parishioners of the said Parish shall be obliged to repair the same from time to time, and no other Church.

C H A P. XII.

An Act for the Reviving an Act for taking away the Benefit of Clergy in some Cases : And for Transporting Felons.

Whereas by one Act of Parliament made in this Kingdom, in the Ninth Year of the Reign of our late Sovereign Lord King William the Third of Glorious Memory, Intituled, An Act for taking away the Benefit of Clergy in some Cases : It was amongst other things Enacted, That if any person or persons shall feloniously steal or take away any Cow or Cows, Sheep or other Cattel, and be thereof Convict by Verdict or Confession ; or shall stand mute, and will not directly answer to the Felony ; or shall Challenge peremptorily above the number of Twenty persons, or shall be Outlawed thereupon : If such Offence shall exceed the Crime of petty Larceny, or the Cattel stolen be of greater value than Twelve Pence Sterling, such person or persons shall not be allowed the Benefit of his or their Clergy, but be wholly ousted for the same ; which Act is now expired, but by experience was found to be a good and profitable Law for this Kingdom, and fit to be received and made perpetual : Be it therefore Enacted by the Queens most Excellent Majesty, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the said Act be, and is hereby revived, and shall from and after the Tenth Day of February, One thousand seven hundred and three, be, remain and continue in full force for ever.

And be it further Enacted by the Authority aforesaid, That where any person or persons after the First Day of March, in this present Year of our Lord One thousand seven hundred and three, shall be lawfully convict of the stealing of any Cows, Bullocks or Steers, not exceeding the number of Two, or of any Sheep, not exceeding the number of Ten ; or of other Goods not of greater value than Twenty Shillings, or any other Felony not above the value of Twenty Shillings, to be valued by the Jury that tries such Felon, and the value to be returned as part of their Verdict, where the Benefit of Clergy by Law was heretofore allowed ; or persons convict of and condemned for concealing, succouring, abetting or harbouring any Thief, Robber or Rapparee, Presented and Proclaimed : That in case the Judge or Judges of Assize before whom such person or persons is or shall be convict, together with the Grand Jury of the County at the said Assizes, shall think him or them fit Objects of Her Majesties Mercy ; that then and in such case the said Judge or Judges of Assize shall and may, after having pronounced the Sentence of the Law on such Felons convict as aforesaid, respit the Execution of the said Sentence, and shall remand the said convict Felon or Felons to the common Goal of the said County, there to remain without Bail or Mainprize : And in case any Merchant, or other person Dealing or Trading to any of Her Majesties Plantations beyond the Sea, shall at any time after the said Conviction make Application to the Judge or Judges of Assize before whom such Felon or Felons was or were convict, to have such Felon or Felons delivered to him to be Transported to any of Her Majesties Plantations beyond the Seas ; that it shall and may be lawful to and for the said Judges of Assize before whom such Conviction was, and they and every of them are hereby Impowered, Authorized and Required to grant and direct their Warrant to the Sheriff of the County, in whose Custody such convict Felon or Felons do remain, to deliver such convict Felon or Felons to such Merchant or other person desiring the same : Which Warrant the said Judge or Judges are hereby respectively required to grant without Fee or Reward, provided the said Merchant or person desiring the same be a solvent person, and shall enter into one Bond or Recognizance of the Penalty of Twenty Pounds Sterling.

The Abby of Arcklow to be Erected into a Parish-Church.

Part of the Act of the 9th of K. W. made perpetual.

The Penalty of concealing, harbouring, &c. any Thief, Robber, &c.

Sterling, before the said Judge or Judges granting the said Warrant, that immediately on the Receipt of the said Warrant he will receive and take such convict Felon or Felons from the Sheriff or Gaoler in whose Custody he, she or they then is, and convey him, her or them on board some Vessel or Ship then bound immediately for some part of Her Majesties Plantations beyond the Seas, and transport and land him, her or them in some part of the said Plantations, except prevented by the parties Death, Casualties of the Seas, or being taken by an Enemy; and he return a Certificate thereof from the Governor or Chief Magistrate of the place where such person is so Landed, within Eighteen Months after the Date of the said Bond or Recognizance; which said Bond or Recognizance shall be delivered to the Clerks of the Peace of the County from whence such Prisoner was taken within three Months after the Date thereof, to the end the Grand Jury at the Quarter-Sessions may inquire whether such Prisoner or Prisoners was or were Transported according to the Tenor of the said Bond or Recognizance; and if it be found they were not, then the said Bond or Recognizance to be immediately returned into Her Majesties Court of Exchequer, to be put in Suit against the Party bound therein, for which Bond the said Merchant or other person as aforesaid, shall pay Twelve Pence, and no more; and upon return of a Certificate from the Governor or Chief Magistrate, of such person or persons being Landed as aforesaid, beyond Seas, the said Bond or Recognizance so entered into as aforesaid, shall be delivered up to be Cancelled to the Party producing such Certificate without any Fee or Reward: And the Sheriff or Gaoler in whose Custody such convict Felon or Felons do remain, are hereby respectively Required and Authorized on Receipt of such Warrant from the Judge or Judges of Assize as aforesaid, to deliver all and every such convict Felon or Felons in their Custody, and mention in the said Warrant, to the Merchant or other person or persons according as the said Warrant directs, without Fee or Reward, or being detained on any other pretence whatsoever; and his or their Receipt on the back of such Warrant shall be a full and sufficient Discharge to the said Sheriff or Gaoler for the said Prisoner or Prisoners mentioned in the said Warrant.

If returning
after Trans-
portation to
be Execu-
ted.

And be it further Enacted by the Authority aforesaid, That in case any such Prisoner or Prisoners delivered into the Hands of any Merchant or other person for Transportation, by virtue of any Warrant as aforesaid, shall make his, her or their Escape from the said Merchant or other person to whom he or she is delivered as aforesaid, either before or after his, her or their being put on Ship-board in order to his, her or their Transportation as aforesaid; or having been Transported shall return again into this Kingdom; that then and in such case the said person or persons so making his, her or their Escape, or returning again into this Kingdom, where-ever he, she or they are or shall be found in this Kingdom, shall and may be apprehended by any person or persons whatsoever that do know him, her or them to be such person or persons that have made Escape or returned as aforesaid, or by Warrant from any Justice of the Peace in any County of this Kingdom, where such person or persons having made his, her or their Escape, or returned as aforesaid, shall or may be found; and being apprehended, shall immediately be brought before the next Justice of the Peace, who is hereby Authorized and Required to commit such person or persons to the common Goal of the said County, there to remain without Bail or Mainprize till the next General Assizes or Sessions of Oyer and Terminer and Goal Delivery; and on produce of a Certificate or Copy of the Record under the Hand of the Clerk of the Crown where such person was convicted as aforesaid; which Record of Attainder the respective Clerks of the Crown of the several Counties, and Clerks of the Peace of the City and County of Dublin are forthwith hereby Required to make up, and an Attested Copy of the Judges Warrant to the Sheriff of the County for delivering him, her or them to be Transported; and of the Receipt of the Merchant or other person to whom such person or persons was or were delivered to be Transported; that then and in such case the said Judge or Judges of Assize, or Commissioners of Oyer and Terminer and Goal Delivery, before whom such person or persons shall be brought, such person or persons appearing by his or their Confession in open Court, or by Verdict of a Jury, to be the person or persons so convicted and escaped, or returned as aforesaid; shall cause the said person or persons to be forthwith Executed according to the Sentence pronounced against him, her or them at the time of his, her or their Conviction as aforesaid.

And

And in case such Certificate or Copy of the Record of Conviction, and Attested Copy of the Judges Warrant to the Sheriff, and the Receipt thereupon, cannot be produced by the next Assizes after the Apprehending of such person or persons making Escape or returning as aforesaid; that then and in such case such person or persons shall be continued in the Goal of the said County without Bail or Mainprize until the following Assizes or Sessions of Oyer and Terminer and Goal Delivery to be held for the said County: And if such Certificate or Copy of Record of Conviction, and Attested Copy of the Judges Warrant to the Sheriff, and Copy of Receipt thereupon, be then obtained and produced, Warrant for Execution shall in open Court be awarded in manner aforesaid; or in default thereof such person or persons so accused of making his Escape, or returning as aforesaid, shall be Acquitted and Discharged without Fee or Reward.

Provided always, and be it further Enacted, That if any person or persons convicted and condemned for any of the Offences and Felonies aforesaid, shall not procure some Merchant or other person to enter into such Bond or Recognizance for his, her or their Transportation as aforesaid, and to take and receive him, her or them out of the Custody of the Sheriff and Gaoler in whose Custody they shall remain, within the space of Nine Months after such Conviction and Condemnation; that then and in such case the next going Judge or Judges of Assize at the next Assizes after the Expiration of the said Nine Months shall and may, and they and every of them are hereby Authorized and Required to Issue a Warrant to the Sheriff of the County for Execution of all and every such condemned Felon or Felons, according to their former Sentence, that so the Goals of the Kingdom may be delivered.

A Warrant to be Issued to the Sheriff for Execution according to the former Sentence.

CHAP. XIII.

An Act for continuing Two Acts against Tories, Robbers and Rapparees.

CHAP. XIV.

An Act for Naturalizing all Protestant Strangers in this Kingdom.

CHAP. XV.

An Act to prohibit Butchers from being Graziers; and to Redress several Abuses in Buying and Selling of Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides.

WHEREAS great Inconveniencies happen to this Kingdom by Butchers following the Trade or Occupation of Graziers, and by their Engrossing Cattel into their Hands to Sell again to other Butchers; and by Buying of Cattel in Fairs, Markets, and Selling them again in the same Fair and Market: For remedy whereof for the future, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no person or persons whatsoever from and after the first Day of May, which shall be in the Year of our Lord God One thousand seven hundred and four, being a Butcher, or using or exercising the Craft or Mystery of a Butcher within this Kingdom, shall at the same time use, follow or exercise the Trade or Occupation of a Grazer, or shall hold or keep any Land in his or their Possession, or in the Possession of any other to his use, or in trust for him, for the Grazing, Fattening or Keeping of any manner of Oxen, Steers, Kents, Cows, Heifers, Calves, Sheep or Lambs, above the quantity of Twenty Acres, on pain that as well the Butcher and Butchers, and such person or persons so possessed as aforesaid, shall severally forfeit for every Month that he or they shall offend therein the Sum of Twenty Pounds Sterling, the one Poerty of which Forfeiture to be to the Queen's Majesty, Her Heirs and Successors; and the other Poerty to him or them that will sue for the same in any of Her Majesties Courts of Record in Dublin, by Action of Debt, Bill, Plaint or Information; in which no Essoyn, Protection or Wager of Law shall be allowed, or more than one Imparlance.

This Act made perpetual by Stat. 9. An. Chap. 7th.

No Butcher to be a Grazer.

Not to keep above 20 Acres under the forfeiture of 20l per Month.

And it is hereby further Enacted and Provided, That no person or persons using or exercising the Trade, Craft or Mystery of a Butcher, within the City of Dublin,

No Butcher within the City of Dublin.

lin, or within
5 Miles there
of to Sell any
Fat Oxen,
Cows, or ano-
ther Butcher.

No Butcher to
keep any, or
feed any Ox-
en, Cows, above
ten Days.

Not to sell a-
ny Oxen, Cows,
alive within
twenty Miles
of the place
where he shall
buy the said
Oxen, Cows, to
forfeit the
full value.

Not to ex-
pose to Sale
in the same
Market any
Cattel, &c.

If Earnest be
struck the
Cattel may be
sold again if
the person
selling the
same hath not
declared his
acceptance of
the said Ear-
nest, &c.

No Magi-
strate to or-
der or adjudge
the seller of
any Cattel
to stand to
the Bargain
that did not
declare his
assent under
the forfeiture
of 5 pounds.
None to be
Slaughtered
to be Trans-
ported under
5 Years Old.

or within five Miles thereof, shall from and after the first Day of May next ensu-
ing, Sell any Fat Oxen, Steers, Cows, Sheep, Calves or Lambs, either Alive or
Dead, to any other person or persons Using or Exercising the same Trade or Mi-
stery of a Butcher, on pain of forfeiting double the value of all such Oxen,
Steers, Cows, Sheep, Calves or Lambs so Sold by him or them to any other
Butcher contrary to the true intent and meaning of this Statute, the one Poerty
of which Forfeiture to be to the Queens Majesty, Her Heirs and Successors, the o-
ther Poerty to him that will Sue for the same.

And it is hereby further Enacted and Provided, That no person or persons Using
or Exercising the Trade of a Butcher shall from and after the first Day of
May, in the Year of our Lord God One thousand seven hundred and four, keep
at Hay or Stall feed any Oxen, Steers, Cows or Heifers above the space of Ten
Days, on pain of forfeiting all such Oxen, Steers, Cows or Heifers so kept at
Hay, or Stall feed contrary to the true intent and meaning of this Statute.

And be it further Enacted by the Authority aforesaid, That no person or per-
sons Using or Exercising the Trade of a Butcher shall from and after the first
Day of May next ensuing Sell, offer or expose to Sale in any Market, or else-
where, either by himself or any Servant or Agent whatsoever, any Oxen, Cows,
Steers, Heifers, Calves, Sheep or Lambs alive, to any Butcher or other person
whatsoever within Twenty Miles of the place where he or they shall Buy the said
Fat Oxen, Steers, Cows, Heifers, Calves, Sheep or Lambs on pain of forfeiting
the full value of all such Oxen, Steers, Cows, Heifers, Calves, Sheep or Lambs
so Sold, offered or exposed to Sale contrary to the true intent and meaning of
this Statute; the one Poerty of which Forfeiture to be to the Queen's Majesty, Her
Heirs, and Successors, the other Poerty to him or them who will Sue for the
same as aforesaid.

And it is hereby further Enacted by the Authority aforesaid, That no person
or persons whatsoever, who shall Buy any manner of Cattel or Sheep whatsoe-
ver, in any Market or Fair in this Kingdom, shall and may Sell or Expose the
same Cattel or Sheep to Sale again in the same Market or Fair on the same
Day, on pain of forfeiting the full value of all such Cattel or Sheep so Sold or
exposed to Sale contrary to the true intent and meaning of this Statute; the one
Poerty of which Forfeiture to be to the Queen's Majesty, Her Heirs and Suc-
cessors, the other Poerty to him or them who will Sue for the same as aforesaid.

And be it further Enacted by the Authority aforesaid, That if any Butcher or
other person or persons whatsoever, in any Market or Fair, or elsewhere in this
Kingdom, do give or strike Earnest for any Beast or Beasts, or parcel of Cattel
or Sheep, if the person that offers to Sale the said Cattel, do not after the stri-
king and receiving the said Cattel, declare that it is a Bargain, and that he is
content to receive and keep the said Earnest, that it shall and may be lawful for
every such person to sell the same Cattel, Beast or Sheep to any other person what-
soever that shall afterwards Bargain with him and Buy the same notwithstanding
such Earnest remaining in his Hands: And that no Master or Wardens of any
Corporation or Fraternity of Butchers in this Kingdom, shall by virtue of any
By-Law or pretended By-Law of their Corporation or Fraternity, punish or fine
any Freeman or other person for Buying or Selling any such Beast, Cattel or
Sheep, where Earnest was laid down, and was declared to be agreed to and accepted
as Earnest as aforesaid.

And that no other Magistrate or Justice of the Peace whatsoever shall Order
or Adjudge the Seller of any such Cattel to stand to or perform any Bargain to
which he did not declare such his Assent after Earnest struck or laid in his Hand
as aforesaid, on pain to forfeit five Pounds Sterling for every such his Offence;
the one half of this Penalty to be to Her Majesty, Her Heirs and Successors,
the other Half to him or them that shall sue for the same as aforesaid. Be it fur-
ther Enacted by the Authority aforesaid, That no Merchant or Merchants, nor any
other person or persons whatsoever, shall from and after the Twenty fifth Day
of March, in the Year of our Lord One thousand seven hundred and four, kill
or Slaughter any Oxen, Cows, Steers or Heifers to be Salted, Packed or Bar-
raled for and by way of Merchandize, to be Transported beyond the Seas under the
Age of five Years, on pain of forfeiting of the same, or the value thereof; the one
Poerty of which Forfeiture to be to Her Majesty, Her Heirs and Successors, the
other Poerty to him that will Sue for the same as aforesaid.

And

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever from and after the Twenty fifth Day of March aforesaid, shall Ship or Convey, or cause, or procure to be Shipped or Conveyed in or to any Ship, Boat or Vessel in or upon the Sea; or in or upon any Haven, River, Creek or place within this Kingdom, any manner of Beef Salted, Packed or Barrelled, that at the time of Killing or Slaughtering thereof, was not of the Age of five Years, knowing the same to be under that Age at the time of the Killing thereof, to the intent to Transport or carry the same into any the parts beyond the Seas, there to be Uttered, Bartered or Sold by way of Merchandize or otherwise; every such person or persons shall forfeit every such Barrel of Beef so Laden, Shipped or Transported contrary to the tenor and true meaning of this Act, or the value thereof; the said Forfeiture to be recovered in manner and form aforesaid.

No Beef to be Exported under five Years old.

And whereas the false packing of Beef for Exportation is very prejudicial for the Trade of this Kingdom; Be it therefore Enacted by the Authority aforesaid, That every Barrel of Beef that from and after the Twenty fifth of March, in the Year of our Lord One thousand seven hundred and four, which shall be Salted and packed up by any person or persons whatsoever, by way of Merchandize, to be Transported beyond the Seas, shall contain at the least Two Hundred Weight of Peat Beef, at One Hundred and Twelve pounds to the Hundred, upon pain of Forfeiture of every Barrel of Beef that shall be found packed up, and ready for Exportation, that doth not contain Two Hundred Weight of Peat Beef, at One Hundred and Twelve pounds to the Hundred, as aforesaid, in whole and soever the same is found, whether in the Hands of the persons that Salted and Made up the said Beef, or in the Hands of the Merchant or any other person that should or might Export the same: The said Forfeiture to be recovered as aforesaid.

And be it further Enacted by the Authority aforesaid, That no Butcher by himself or any other person, shall unnecessarily Gash or Cut any Hide of any Ox, Bull, Steer or Cow, in Killing or Slaughtering thereof or otherwise, whereby the same shall be impaired or hurt, upon pain of Forfeiture for every Hide so Gashed or Cut the Sum of Twenty pence.

Against Gashing or Cutting Hides.

And be it further Enacted by the Authority aforesaid, That all and every Tallow-chandler or other person that melts or renders Tallow for Sale, shall from and after the said Twenty fifth Day of March, One thousand seven hundred and four, Brand every Cask of Tallow with the Letter of his Name on each Cask, and shall also Mark the Tare of each Cask upon the Cask; and if upon Trial the Tare prove more than is Marked on the Cask, that then the Seller shall allow and abate the Buyer Six pence per pound, for each pound the Tare shall Weigh more than the same is Marked.

And whereas it is very usual for Butchers in Smithfield Market, and the several other Markets of this Kingdom, to agree for Cattel and give Earnest for the same to the Seller, and then go away and keep the Seller waiting the whole Day, and many times to the next Day, before they come to pay the Money for the said Cattel, and take them away, to the great Damage of the Seller; For Remedy whereof, Be it Enacted by the Authority aforesaid, That no person or persons whatsoever that Sells any Beasts, Sheep, Lambs, Hogs, or any other sort of Cattel whatsoever in Smithfield Market, or in any other Market or Fair in this Kingdom, shall be obliged to wait for or attend the Buyer of such Cattel above the space of Two Hours after such Earnest given as aforesaid; and that in case the Buyer does not come and pay down the full price agreed for, and receive the Cattel Sold him within the space of two Hours after such Bargain made and Earnest given as aforesaid; that then the said Buyer shall lose and forfeit the Earnest he so gave, and that then it shall and may be lawful to and for the Seller of such Cattel to Expole the same to Sale again, and to Sell the said Beasts and Cattel to to any other person whatsoever, and to keep the aforesaid Earnest; and where the Seller of such Beast or Cattel, shall not by reason of the Earnest given and Bargain made, as aforesaid, Sell such Beast or Cattel to any other person in the said Market, and every such person so contracting to Sell shall, and may by Action on the Case recover his Damages for the loss of his Market, and such other loss as he shall sustain thereby, with his full costs of Suit.

None to wait or attend above two Hours after the Bargain made and Earnest given, but the Cattel may be Sold again and the Earnest lost.

And for the more speedy and effectual putting this Act in Execution in and through this whole Kingdom; Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Justices of the Peace of the several Counties of this Kingdom respectively at and in their respective Quarter-Sessions, to en-

The Prosecution in what manner, and within Six Months.

quire into, hear and determine all and every the Offences aforesaid, and upon the Conviction or Convictions of such Offenders before them, to make Extracts of the one Poerty of the said Forfeitures into Her Majesties Court of Exchequer in order to Levy the same to Her Majesties use in such manner as hath been used to be done in case of other Fines, Mues and Amercements grown due and forfeited to Her Majesty in the Sessions of the Peace, and to Award and Issue forth Execution for the other Poerty due by this Act to the Informer or Prosecutor by Writs of Capias or Fieri facias out of the said Court of Sessions, in such sort as the Court of Queen's-Bench at Dublin can, may, or have in such cases used to do.

Provided nevertheless, and it is hereby Declared, That no person or persons whatsoever shall at any time hereafter be Sued, Troubled or Molested for any Offence or Offences done or committed, or supposed to be done or committed against this Act, unless such Prosecution shall be begun within Six Calendar Months next after the said Offence or Offences committed.

And be it further Enacted by the Authority aforesaid, for the preventing of vexatious Informations and Prosecutions by colour of this Act, That if upon any Information or other Prosecution grounded upon this Act, it shall appear to the Judges or Justices of the Peace before whom such Information shall be presented, that such Information or Prosecution was promoted only for vexation, and without any reasonable cause, the said Judges or Justices of the Peace shall, and are hereby required by virtue of this Act, toward the party so unjustly accused or prosecuted or treble costs, occasioned by such vexatious Prosecution; the same to be recovered and levied by Capias or Fieri facias.

And be it further Enacted by the Authority aforesaid, That if any English Information or Bill shall be brought against any person or persons offending contrary to the Tenor of this Act, that then every such person or persons against whom such Bill or Information shall be exhibited shall put in his or their Answer or Answers to such Information or Bill so exhibited against him or them, on his or their Corporal Oath and Oaths; and that no Plea or Demurrer unto such Information shall in any wise be allowed in respect of the penalty of this Act: Which such Answer or Answers may subject such person or persons unto.

And be it further Enacted by the Authority aforesaid, That if any Action, Suit, Complaint or Information, shall be commenced or prosecuted against any person or persons for whatever he or they shall do in pursuance or in execution of this Act, such person or persons so Sued in any Court whatsoever, shall and may plead the General Issue, Not Guilty; and upon any Issue joyned, may give this Act and the special Matter in Evidence; and if the Plaintiff or Prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a Verdict shall pass against him, the Defendant or Defendants shall recover his or their treble costs; for which he and they shall have the like remedy as in case where costs by Law are given to the Defendants.

Provided always, That this Act shall be and continue in Force for the space of Seven Years from the First Day of February, One thousand seven hundred and three; and from thence to the End of the next Sessions of Parliament, and no longer.

C H A P. XVI.

An Act for Reducing of Interest of Money to Eight *per Cent* for the future. *Expir'd.*

C H A P. XVII.

An Act to Supply the Defects of an Act past in the Seventh Year of the late King William, Intituled, *An Act for the better Regulating of Measures in and throughout this Kingdom.*

The Penalty mentioned in the Stat. made 7 W. 3d Ch. 24. to be inflicted on the Buyer and not on the Seller.

Whereas in the Seventh Year of the late King William the Third, an Act of Parliament was past in this Kingdom for Regulating the Measures of Grain, Intituled, *An Act for the better Regulating of Measures in and throughout this Kingdom*: Which said Act has not met with that good effect as by the same was intended, for that the penalty mentioned in the same is equal upon the Seller as on the Buyer, so that none can inform without apparent prejudice to himself, and that Bakers, Pastryers, and other Dealers in Corn, do employ indigent and insolvent persons to Buy and Measure Corn and Grain by other Measures

lures contrary to the said Statute, who are not able to answer the penalty of the said Act; For Remedy whereof, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That the penalty mentioned in the aforesaid Act shall in no case be inflicted on the Seller, but on the Buyer: And that in case any Baker, Pastryer or Dealer in Corn, shall employ any such indigent and insolvent person or persons who shall not be able, as aforesaid, to answer the penalty of the said Act, to Buy, Receive or Dealure any Corn or Grain for them, by any other Dealure than is expressed by the said Act; that then the party or parties employing such Receiver, Buyer, or Dealurer, shall be liable to the penalty mentioned in the aforesaid Act.

CHAP. XVIII.

An Act for the Recovery of small Debts, &c. *Expired.*

ACTS and STATUTES made in a Parliament begun at *Dublin* the Twenty First Day of *September*, Anno Dom. 1703. In the Second Year of the Reign of Our most Gracious Sovereign Lady Queen *ANNE*, before His Grace *JAMES* Duke of *ORMONDE*, Lord-Lieutenant General and General Governor of *Ireland*.

CHAP. I.

An Act for Granting to Her Majesty an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, Callicoes, Linnens, Muslins, and other Goods and Merchandizes.

CHAP. II.

An Act to Explain and Amend an Act, Intituled, *An Act for Registering the Popish Clergy*.

WHEREAS two Acts lately made for Banishing all Regulars of the Popish Clergy out of this Kingdom, and to prevent Popish Priests from coming into the same; as also one other Act, Intituled, *An Act for Registering the Popish Clergy*, may be wholly eluded; and by means thereof future Rebellions may be encouraged and promoted by the great numbers of Popish Priests that already have been or hereafter may be Ordained in this Kingdom by the Authority of the Church of Rome, in regard the aforesaid Acts do not extend to such persons as have been or may be Ordained Popish Priests since the Expiration of the time appointed by the Act for Registering the Popish Clergy as aforesaid: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That if any Popish Priest or Priests, or person whatsoever Exercising the Office or Function of a Popish Priest, shall after the Four and Twentieth Day of June, in the Year of our Lord One thousand seven hundred and five, be found in this Kingdom, other than such Priests who have actually Register'd their Names in pursuance to the aforesaid Act made for Registering the Popish Clergy as aforesaid; shall be, and are hereby declared to be liable to such penalties, forfeitures and punishments as by the aforesaid Act made for Banishing all Papists Exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom, are imposed on Popish Arch-Bishops, Bishops, Vicars-General, Deans, Jesuits, Fryers, or any other Papists Exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom contrary to the said Act.

This Act made perpetual, 8 Anne Chap. 3.

Every Popish Priest Exercising that Office or Function, and their Concealers, to suffer Penalties, &c. that are not Registered.

And be it further Enacted by the Authority aforesaid, That any person or persons who shall after the said Four and Twentieth Day of June knowingly Harbour, Relieve, Conceal or Entertain any such Clergy-man of the Popish Religion, or other person or persons Exercising the Office or Function of a Popish Priest as aforesaid, and not Register'd as aforesaid, shall be liable to such penalties and forfeitures as by the said Acts are imposed on the Harbourers, Relievers and Concealers of any Popish Arch-Bishop, Bishop, Vicar-General, Dean, Jesuit, Fryer, or Regular Popish Clergy-man; to be levied on them and every of them in the same manner as by the said Act is directed.

And all Justices of the Peace, Sheriffs, High and Petty-Constables, and all other Her Majesties Loving Subjects, are hereby required to use their utmost diligence in Apprehending all such Popish Priests, and other person or persons Exercising the Office or Function of a Popish Priest as aforesaid, and not Register'd as aforesaid.

All Civil Officers and other Subjects to use their diligence to Apprehend them. If they neglect, to Forfeit 50l.

And be it further Enacted by the Authority aforesaid, That if any Mayor, Justice of the Peace, or other Officer knowingly and voluntarily shall neglect his or their duty in Execution of this Act; every such Mayor, Justice of the Peace, and other Officer, shall for every such Neglect forfeit the Sum of fifty Pounds to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Protection, Escoin or Wager of Law shall be allowed, nor more than one Imparance; one Moiety thereof to the Queen's Majesty, Her Heirs and Successors, and the

other Poerty to the Informer or person that shall sue for the same. This Act to continue in Force to the One and Twentieth Day of September, which shall be in the Year of our Lord One thousand seven hundred and eight, and to the end of the then next Sessions of Parliament, and no longer.

C H A P. III.

An Act to Repeal an Act, Intituled, *An Act for the Advancement of the Trade of Linnen Manufacture.*

17th and 18th
of K. Ch. 2d.
is hereby Re-
pealed.

WHEREAS an Act of Parliament made in the Seventeenth and Eighteenth Years of the Reign of the late King Charles the Second of Blessed Memory, Intituled, *An Act for Advancement of Linnen Manufacture*, has been found by long Experience to be impracticable in some points, and altogether ineffectual for the purposes thereby intended, and nevertheless contains many and grievous Penalties very burthensome to Her Majesty's Subjects; and that other and much better Methods are taken and pursued for the advancement of the said Trade: Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled and by the Authority of the same, That the aforesaid Act, and every Clause thereof, be henceforth Repealed, and made null and void; and that all Her Majesty's Subjects be and are hereby discharged, released and forgiven all the Fines, Forfeitures, Penalties and Punishments that are, might or may be inflicted, incurred or suffer'd for or by reason of the said Act, or any Article or Clause therein contained.

C H A P. IV.

An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom.

Statutable
Yarn.

Reel.

Forfeiture of
Yarn.

Breadths of
Linnen.

Lengths of
Linnen.

FOR the Encouragement of the Linnen Manufactures in this Kingdom, and preventing Abuses therein, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That no person or persons whatsoever shall after the First Day of May, in the Year of our Lord God One thousand seven hundred and six, Sell or expose to Sale any Linnen Yarn made in this Kingdom, other than in Hanks or Dozens, each Hank or Dozen consisting of Twelve cuts, and no more; and each cut containing One hundred and twenty Threads, and no more: And that all the Yarn contained in the said Hank or Dozen be flaxen Yarn only, or Tow Yarn only, of the same colour and Fineness: And that no Tow Yarn be intermixed with the said flax Yarn: And that each Hank or Dozen be of One Yard and a Quarter in length, and no more. That each cut shall be separated as the same shall be Reeled, and not afterwards: And that in the Reeling of the said Linnen Yarn, no person or persons shall Reel more than One Thread at a time: And that the Standard Reel of this Kingdom shall be Two Yards and an Half in circumference. That each person or persons who shall Sell or expose to Sale any flaxen or hempen Yarn in other manner than as aforesaid, and shall be thereof convicted, as herein after is mentioned and expressed, shall forfeit the whole Hank in which any cut shall be falsely made up, to him, her, or them, who shall Inform and Prosecute the same with effect.

And forasmuch as great prejudice arises to the Linnen Trade of this Kingdom, by reason that the persons who deal therein make their Cloaths of such Dimensions as that they cannot be Employed either at Home or in Foreign parts without great waste and manifest loss: For preventing whereof, Be it Enacted, That from and after the said First Day of May, One thousand seven hundred and six, no Linnen Cloath made in this Kingdom shall be Sold or exposed to Sale that shall not be Half an English Ell, or Two and Twenty Inches and Half broad at the least; and that no Linnen Cloath shall be Exported that shall not contain Half an English Ell, or Twenty Two Inches and a Half in breadth at the least, and Twenty Yards in length at the least, excepting Linnen Cloath made or to be made in imitation of Kenting, Cambrick, Baptist or Lawns. That also from and thenceforth

no piece of Diaper consisting of Three Quarters of a Pard, or Twenty Seven Inches in breadth, and under One Pard or Thirty Six Inches in breadth, shall contain less than Twenty Six Pards in length at the least. That each piece of Diaper containing One Pard and Half in breadth or upwards, shall contain Twelve Pards in length at the least. That each piece of narrow Bed-ticks shall contain Twenty Inches in breadth at the least, and fifteen Pards in length at the least. And that each piece of Bed-tick which shall be Six Quarters or above in breadth, shall contain Six Pards in length at the least. And that all and singular the Canvas or Sail-cloth made in this Kingdom, each piece do contain Thirty Six Pards in length at the least. And that all Linnen Cloth whatsoever that is Exposed to Sale and Rolled up, be Tied at both Ends, and not Stitched up, to the end the same may be opened, and the better Examined by the Buyer. And that all and every person and persons that shall presume to do contrary to the premises, or any part thereof, shall for each Offence, Forfeit the said piece of Cloth or Linnen Varn made and exposed to Sale, contrary to the true meaning hereof, to the Informer. All and Singular which said Forfeitures and Penalties, shall be Levied and Raised in manner following (that is to say) That upon Information upon Oath to any Justice of the Peace, or chief Magistrate of any Corporation in this Kingdom, within the Limits of their respective Jurisdictions and Authorities, against any person or persons, that shall have acted contrary to the purport and true meaning thereof; which Oath, the said Justice of the Peace or chief Magistrate, are hereby required and enabled to Administer: And thereupon the said Justice of the Peace or chief Magistrate respectively, shall immediately Issue a Summons in Writing under his Hand and Seal, thereby requiring the person or persons so Informed against, at a certain Day and place within the Limits of the County or Corporation wherein the said Offence shall be committed, to appear before such Justice of the Peace or chief Magistrate respectively, to answer the said complaint: At which time and place, the said Justice of the Peace or chief Magistrate, respectively shall in the presence of the person or persons Accused, or in case of his or her Pledged, to appear, being duly Summoned, proceed to the Examination of the said Matter; and if it shall appear to such Justice of the Peace or chief Magistrate respectively, on Evidence upon Oath of one or more credible Witnesses or Witnesses, that the said person or persons are Guilty of the said Offences, or any of them; the said Justice of the Peace or chief Magistrate, respectively shall by Warrant under their respective Hands and Seals, Levy the said respective Forfeitures; and if the said piece of Cloth or Linnen Varn cannot be found, then the said Justice of the Peace or chief Magistrate, shall Levy the Value of Ten Shillings for each piece of Cloth or Hank of Linnen Varn, Made or Sold contrary to the meaning hereof, on the Goods and Chattels of the person or persons Offending, by Distress, Sale or otherwise; and Dispose of the said Forfeiture or Penalty to the Informer or Informers: And for Default of such Distress to be had and taken, that then every such Offender, being above the Age of Sixteen Years, shall by Warrant under the Hand and Seal of such Justice of the Peace or chief Magistrate, be publicly set in the Stocks in the next Market-Town, on the Market-Day, in the time of High Market, for the space of Four Hours.

How to be made up.

Or Forfeited.

Forfeiture how Levied.

Be it further Enacted, That if any Action or Suit shall be commenced or brought against any Justice of the Peace or Chief Magistrate, Constable, or other Officer or person whatsoever, for doing or causing to be done any thing in pursuance hereof, the Defendant in such Action, may plead the General Issue, and give the Special Matter in Evidence; and if upon such Action, Verdict be given for the Defendant, or the Plaintiff become Non-Suit, or Discontinue his Action, then the Defendant shall have treble Costs.

Costs to the Defendant.

And be it further Enacted, That no person shall be Prosecuted or Troubled for or by reason of the said Frauds and Abuses, unless the same be proved or prosecuted within Thirty Days next after the Sale or Exposing to Sale of such fraudulent and Corrupt Linnen Varn or Cloth, not made according to the Rules aforesaid.

Time limited for Prosecution.

And be it further Enacted, That from and after the first Day of August, One Linnen, Duty thousand seven hundred and five, there shall be paid no Duty whatsoever to Her Majesty, Her Heirs and Successors, for or on Account of the Exporting of any Flaxen or Hempen Cloth, Made or Manufactured within this Kingdom.

free.

And be it further Enacted, That every Linnen Weaver being a Protestant, Weavers ex- having Served his Apprenticeship to the said Trade for the space of Five Years, empt from

and Juries;

and being set up for himself, and keeping one Loom or more constantly Employed in the Linnen Manufacture, shall be Exempted from being Petty-Constable or Church-Warden, or Sides-Man, for the Term of Seven Years from the time of his first setting up, and be also a Freeman of the City or Town Corporate wherein he shall set up his Trade, during his Residence, and following the said Trade therein; and be also Exempted from serving on Juries at Assizes or Sessions.

Proviso.

Provided nevertheless, and it is the true intent and meaning hereof, That no Protestant Weaver, as aforesaid, shall be Intituled to Enjoy the aforesaid Priviledges and Immunities, unless he shall have served five Years Apprenticeship to the said Trade, and Worked two Years after at the same as a Journeyman, except such as shall be actually a Master Workman, or have passed their Time of Apprenticeship before the commencement of this Act.

Forreigners
exempt from
Toll.

And be it further Enacted, That the like Priviledges and Immunities, shall Extend to all Forreigners Master Workmen, being Protestants, as are now or shall hereafter come into this Kingdom and set up Looms, and Work at the Linnen Trade: And that no Toll shall, during the continuance of this Act, be paid or payable for any Linnen Cloath, Linnen Yarn, or for Hemp or Flax, Sold in any Market or Fair; or the Passage of them or any of them, over any Bridge, or through any Town or other Place whatsoever: And also that from and after the first Day of May, which shall be in the Year of our Lord God, One thousand seven hundred and six, there shall be paid in this Kingdom Half the Tythe of Hemp or Flax, or the Twentieth part thereof, only for and during the Term of Three Years and no longer.

Tythes.

Name wove
in the Cloath.

Provided always, and be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for every Trader, Dealer and Weaver of the Linnen Manufacture to Weave his Name, or fix some known Mark, to any Piece of Linnen, if he shall so think fit.

Counterfeit.

To forfeit
Ten pounds.

And if any other person shall Counterfeit the said Mark or Name, being lawfully Convid thereof, upon Oath of one or more Credible Witnesses or Witnessesses, before any Two Justices of the Peace, he shall forfeit the Sum of Ten Pounds; the one Moiety thereof to the Informer, and the other Moiety to the poor of the Parish where such Offence shall be committed: The same to be Levied by Distress and Sale of the Goods of the Person Offending herein, upon and after such Conviction, as aforesaid, by Virtue of the Warrant of such Justices of the Peace before whom such Conviction shall be made.

Ashes, foreign
Seeds, Looms
Duty free.

And forasmuch as Foreign Pot-Ashes and Wood-Ashes are absolutely necessary for the carrying on the Linnen Manufacture in this Kingdom; yet by reason of the excessive Duty which heretofore has been laid on the said Foreign Ashes, Merchants and Dealers therein are greatly Discouraged, and in great measure prevented from Importing the same into this Kingdom: Be it Enacted, That from and after the first Day of August, One thousand seven hundred and five, no Duty shall be Demanded, Levied or Raised for or by reason of the Importing of such Foreign Pot-Ashes or Wood-Ashes; and likewise of all Holland Flax-Seeds, or of Russia or Muscovia Flax-Seed or Hemp-Seed; or for any Loom or Looms, to the use and behoof of Her Majesty, Her Heirs and Successors; but that the same shall and may be from thenceforth freely Imported into any parts of this Kingdom Duty-free, any Law, Statute or Custom to the contrary notwithstanding.

Not to make
use of Lime.

And be it further Enacted, That no person or persons shall make use of any Lime in the whitening or bleaching any Linnen Cloath or Linnen Yarn: The Offender to forfeit the Sum of five Pounds, and the Cloath or Yarn so whitened with Lime, to the Informer; to be Levied and Recovered in manner as before is limited and appointed for the Recovery of the Pains and Penalties inflicted on such as Counterfeit the Name or Mark of the Traders, Dealers and Weavers.

Statute Yard.

And be it further Enacted, That all Linnen Cloath Sold in this Kingdom, shall be Measured by the Yard, containing Thirty Six Inches, excepting fine Linnen Cloath made in Imitation of Holland, which shall be Measured and Sold by the Ell containing Forty five Inches.

C H A P. V.

An Act for Relief of Creditors against Fraudulent Devizes.

Whereas it is not reasonable or just that by the practice or contrivance of any Debtors their Creditors should be defrauded of their Just Debts; and nevertheless it hath often so happened, that where several Persons having by Bonds or other Specialties bound themselves and their Heirs; and have afterwards Dyed, Seized in Fee Simple of and in Mannors, Messuages, Lands, Tenements and Hereditaments; or had Power or Authority to dispose of or charge the same by their Wills or Testaments, have (to the defrauding of such their Creditors by their Last Will or Testament) devised the same, or disposed thereof in such manner as such Creditors have lost their said Debts: For Remedy of which, and for the Maintenance of just and upright Dealing, Be it Enacted and Declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all Wills and Testaments, Limitations, Dispositions or Appointments of or concerning any Mannors, Messuages, Lands, Tenements or Hereditaments, or of any Rent, Profit, Term or Charge out of the same, whereof any Person or Persons at the time of his, her or their Decease, shall be Seized in Fee Simple, in Possession, Reversion or Remainder, or have Power to Dispose of the same, by his, her or their Last Wills or Testaments, to be made after the first Day of August, in the Year of our Lord, one thousand seven hundred and five, shall be Deemed and taken (only as against such Creditor or Creditors, as aforesaid, his, her and their Heirs, Successors, Executors, Administrators and Assigns, and every of them) to be fraudulent, and clearly, absolutely and utterly Void, Frustrate, and of none Effect; any Pretence, Colour, feigned or presumed Consideration, or any other Matter or thing to the contrary notwithstanding.

And for the means that such Creditors may be enabled to recover their said Debts, be it further Enacted by the Authority aforesaid, That in the Cases before mentioned, every such Creditor shall and may have and maintain his, her and their Action and Actions of Debt upon his, her and their said Bonds and Specialties, against the Heir and Heirs at Law of such Obligor or Obligors and such Devisee and Devisees jointly, by virtue of this Act; and such Devisee or Devisees shall be liable and chargeable for a false Plea by him or them Pleaded in the same manner as any Heir should have been for any false Plea by him Pleaded, or for not confessing the Lands or Tenements to him Descended.

Provided always, and be it Enacted by the Authority aforesaid, That where there hath been or shall be any Limitation or Appointment, Devise or Disposition, of or concerning any Mannors, Messuages, Lands, Tenements or Hereditaments, for the Raising or Payment of the real or just Debt or Debts, or any Portion or Portions, Sum or Sums of Money for any Child or Children of any Person, other than the Heir at Law, according to or in pursuance of any Marriage Contract or Agreement in Writing Bond fide made before such Marriage, the same and every of them shall be in full Force; and the same Mannors, Messuages, Lands, Tenements and Hereditaments, shall and may be holden and enjoyed by every such Person or Persons, his, her and their Heirs, Executors, Administrators and Assigns, for whom the said Limitation, Appointment, Devise or Disposition was made; and by his, her and their Trustee and Trustees, his, her and their Heirs, Executors, Administrators and Assigns, for such Estate or Interest as shall be so Limited or Appointed, Devised or Disposed, until such Debt or Debts, Portion or Portions shall be Raised, Paid and Satisfied, any thing in this Act contained to the contrary notwithstanding.

And whereas several Persons being Heirs at Law, to avoid the Payment of such just Debts as in regard of the Lands, Tenements or Hereditaments descending to them, they have by Law been liable to pay, have Sold, Alienated or made over such Lands, Tenements or Hereditaments, before any Process was or could be issued out against them: Be it further Enacted by the Authority aforesaid, That in all Cases where any Heir at Law shall be liable to pay the Debt of his Ancestor in regard of any Lands, Tenements or Hereditaments descending to him; and shall Sell, Alien or make over the same before any Action brought or Process sued out against him; that such Heir at Law shall be answerable for such Debt or Debts, in any Action or Actions of Debt, to the Value of the said Land

All Wills concerning any Lands, Rent, Profit, Term or Charge out of the same, where the dev for shall be seized in Fee-simple, in Possession, Reversion or Remainder, or have power to dispose of, shall be deemed only as against Creditors upon Bond, &c. to be fraudulent.

Such Creditor shall have their Actions of Debt against the Heirs at Law; and such Devisees jointly, &c.

Devisee for Lands for just Debts or Childrens Portions, &c. the same to be in force.

Where any Heir at Law shall be liable to pay his Ancestors Debts, &c.

so by him Sold, Aliened or Made over; in which Cases all Creditors shall be preferred as in Actions against Executors and Administrators: And such Execution shall be taken out upon any Judgment or Judgments so obtained against such Heir to the value of the said Land, as if the same were his own proper Debt or Debts; saving that the Lands, Tenements and Hereditaments (Bona fide) Aliened before the Action brought, shall not be liable to such Execution.

Where any
Action of
Debt is
brought a-
gainst an
Heir, he may
plead *Riens*
per discent, &c.

Provided always, and be it further Enacted by the Authority aforesaid, That where any Action of Debt upon any Specialty is brought against any Heir, he may Plead *Riens* per discent at the time of the Original Writ brought, or the Bill filed against him, any thing herein contained to the contrary notwithstanding: And the Plaintiff in such Action may reply, that he had Lands, Tenements or Hereditaments from his Ancestor before the Original Writ brought or Bill filed; and if upon Issue joyned thereupon it be found for the Plaintiff, the Jury shall inquire of the Value of the Lands, Tenements or Hereditaments so descended; and thereupon Judgment shall be given, and Execution shall be awarded as aforesaid: But if Judgment be given against such Heir by Confession of the Action without Confessing the Assets descended, or upon Demurrer or *Nihil dicit*, it shall be for the Debt and Damages without any Writ to inquire of the Lands, Tenements or Hereditaments so descended.

Devizee by
this Act made
liable, though
the Lands de-
vized be alie-
nated before
the Action
brought.

Provided also, and be it further Enacted, That all and every Devizee and Devizees made liable in this Act, shall be liable and Chargeable in the same manner as the Heir at Law by force of this Act, notwithstanding the Lands, Tenements and Hereditaments, to him or them devized, shall be Aliened before the Action brought.

C H A P. VI

An Act to prevent illegal Raising of Money by Grand-Juries: And the Misapplying of Money Legally Raised: And for the better Execution of an Act for the Mending the High-ways by Six Days Labour: And for the appointing Overseers of the High-ways by the Justices at their Sessions, in Default of Naming them by the respective Parishes.

WHEREAS it hath been of late Years the practice of evil persons, who have regard more to their own private Advantage, than to the Benefit of the Publick, to procure Presentments to be made by Grand-Juries at Assizes and General Quarter-Sessions of the Peace, for Raising Money for such Uses as by the Laws of this Kingdom are not at all Warrantable: And whereas others to cover such their evil Intent, have in like manner procured large Presentments to be made for such Uses as by the Laws of this Land were Warrantable, yet have applied to the said Uses but a small part of the Money, and have diverted the remainder to other Uses no way Warranted by Law: Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the end of this present Session of Parliament, no Grand-Jury within any County or County of a Town or City within this Kingdom, do or shall present any Sum of Money to be Raised upon such County, Town or City, or upon any Baronie or Parish within the same, for any Uses other than what are appointed and allowed by the Laws of this Land, or herein after contained: And that no Judge of Assize or Justice of the Peace in their Quarter-Sessions, nor Sheriffs or Seneschals in their respective Courts, do or shall Pass, allow or confirm any such Presentment: And that every Grand-Jurymen who shall present any Money to be Raised, shall Sign his Name to every such Presentment; and the several Justices of the Peace, Sheriffs and Seneschals Confirming such Presentments, shall Sign his Name to the Order for Confirmation thereof; otherwise such Presentment and Order are hereby declared to be Void.

No Money to
be raised by
Grand-Juries;
not allowed
by the Laws
of this Land,
or herein af-
ter contained,
nor no Judge
of Assize or
Justice of the
Peace to con-
firm the same.

What they
may present
to raise Mo-
ney for.

Provided nevertheless, That it shall and may be lawful to and for the said Grand-Juries to make Presentments, and for the Judges, Justices, Sheriffs and Seneschals to Confirm the same, for the Raising of such Sums of Money as shall be necessary for the Building and Repairing of Session-houses, and for the Repairing and Strengthening of Goals; and for Bolts or Shackles, Stocks, Whipping-Poles, Ducking-Stools, Pillories and Parish-Pounds, as shall be necessary for the

said

such several Uses and Purposes, as also for Conveying of any person or persons Accused for any Treason or Felony to the County-Goal, being Twenty Miles distance or upwards, so as the same do not exceed One Penny per Mile: As also such Sums as by the said Judge or Judges shall be thought necessary for the Destroying of Molles, Bites and Fences, and for the recovering of Publick Money in the Hands of the Collectors and Receivers thereof, their Executors, Administrators and Sureties.

And for the preventing the misapplying of Money legally raised, either in the whole or in part, to other Uses than for which the same was Raised, Be it further Enacted by the Authority aforesaid, That from and after the End of this present Session of Parliament, no Money legally Raised by Presentment be applied to any other Use than for what the same was Raised; and that if any person who shall be appointed in the said Presentment and Order thereon to be either the Collector, the Receiver or the Distributer of the Money thereby Raised, shall not at the next General Assizes or Quarter-Sessions of the Peace of the said County, or in a reasonable time to be by them respectively appointed, make appear in his Account with good Vouchers, that the Money by him so Raised or Received, shall have been expended and laid out pursuant to the said Presentment to the Use of the said County, he shall still stand and be chargeable with the same: And that every person and persons accountable for any publick Money, shall (when thereunto required by the Justices of the Peace at their General Quarter-Sessions, or by the Judge and Judges of Assize at their General Goal Delivery) make his and their Account and Accounts on Oath at each General Quarter-Sessions or Assizes and General Goal Delivery: And if such Accountant or Accountants shall refuse and neglect to make a fair and just Account of all such Publick Money, or shall upon such Account be found to have such Money or any part remaining in his Hands; then and in such Case such Accountant and Accountants shall forthwith pay such Money into the Hands of such person or persons as shall by such respective Grand-Jury and Justices of the Peace, or Justice or Justices of Assize and General Goal Delivery be Presented and Ordered for the Use of such County, City or Town where such publick Money shall be Raised; and in default thereof such person and persons so accountable shall by such Justices of the Peace at their said Sessions, or Justice or Justices of Assize and General Goal Delivery at their respective Assizes, be Committed to the Common Goal of such County, City or Town in Execution; there to remain without Bail or Mainprize, until such Account shall be made and Balance paid.

And be it Enacted by the Authority aforesaid, That no Sum or Sums of Money shall be Raised at any Quarter-Sessions in this Kingdom for any publick Work, or on any Account whatsoever (except for Taking, Conviding or Killing Robbers, Tories or Rapparees, pursuant to the Acts made in this Kingdom, or for repairing or supporting Bridges already Built and Erected) exceeding the Sum of Twenty Pounds in the whole, at one such General Quarter-Sessions of the Peace.

Provided always, that nothing herein contained shall extend or be construed to extend to the County of the City of Dublin, or to the County of Dublin; or to hinder or restrain the Raising of Money by the Grand-Juries of the said County of the City, or at the said County, in such manner as the same may be Raised at the Assizes in other Counties in this Kingdom.

And whereas a good Law in Force in this Kingdom for mending of the Highways by the Six Days Labour, is for the most part ineffectual, by reason of the Penalty for neglecting the same, which is very small, cannot be imposed but after Conviction upon Presentment or Indictment; which being so very Chargeable, such Offenders do for the most part Escape Prosecution, and the publick Highways continue neglected: Be it therefore Enacted by the Authority aforesaid, That it shall and may be lawful for any Two Justices of the Peace of every County in this Kingdom, Living in the same Barony or the adjacent Barony where the Offence is committed, to Hear and Determine Summarily the Offences against the said Law; and that the said Justices, by Warrant under their Hands and Seals, shall and may levy the Penalties in the said Law, imposed by Distress and Sale of the Goods of such Offenders: The said Penalties to be applied to the Repair of the said Highways, and the Overplus to be bestowed to the Poor; and such Justices are to Account for what they shall so Levy at the next Assizes to be held for that County.

No Money raised to be put to any other use than what it was raised for.

When called to an account to be accounted on Oath, and the balance if any be to be immediately paid, &c.

No Sum exceeding 20 pound to be raised except taking or killing Robbers, Tories or Rapparees.

Extend not to the County of the City or County of Dublin.

Choosing Overseers of the Highways to be chosen.

And whereas the Choosing of the Overseers in the said recited Act required, is often neglected by several Parishes, to the Damage of the Highways, in such Parishes for such Year: Be it therefore Enacted, That in Case any Parish do neglect the choosing and appointing such Overseers as by the said Law they are directed to do, every such Parish shall and may be prosecuted by Presentment at the next following Sessions for such Neglect; and that at the said Sessions such Overseers may be appointed for the said Year as by the said Parish ought to have been appointed, who shall have the same power as if they had been chosen pursuant to the former Act.

No Presentment for raising Money be confirmed till the 6th day of the Term following, &c.

Provided nevertheless, That no Presentment in the Queen's Bench for Raising of Money shall be Confirmed until the Sixth Day of the Term next following such Presentment, and shall be Pledged up in the said Court the first five Days of the said following Term, to the end that all Persons concerned may have notice thereof, and object against or traverse the same as they shall think convenient.

Made perpetual 6th Annæ chap. 12.

C H A P. VII.

An Act for Lessening the Duty of Rape-Seed to be Exported.

Only Six pence to be paid for Custom of every Quarter of Rape-Seed, &c.

Whereas it is found by Experience, that the Planting of Rape-Seed contributes very much to the Improvement of the unprofitable and Boggy parts of this Kingdom; and that the great Duty laid on Rape-Seed Exported, is a great Discouragement to the Planting or Sowing the same: For Remedy thereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of June in the Year of our Lord God, One thousand seven hundred and five, there shall be paid to Her Majesty, Her Heirs and Successors, for Rape-Seed to be Exported, the Duties following, and no other (that is to say) for every Quarter of Rape-Seed, containing Eight Bushels in the Quarter, to be Exported out of this Kingdom from and after the said first Day of June, in the Year of our Lord God, One thousand seven hundred and five, the Sum of Six Pence for Custom, and no more; and so proportionably for a greater or lesser quantity.

Only 4s. per Tun for Rape-Seed made in this Kingdom Exported. The Duties by this Act directed to be paid as by a Stat. 14th. chap. 15th. Charles 2d.

And be it further Enacted, That no more Duty be taken for any Rape-Dyl made in this Kingdom, which shall after the said first Day of June be Exported out of this Kingdom, than four Shillings per Tun; and so pro Rata.

And be it further Enacted, That all and singular the Duties and Sums by this Act directed to be paid and taken, shall be Paid, Collected, Levied and Received by the same persons, and by such Ways and Means, and in the same manner, and under such Penalties, Provisoes, Restrictions and Regulations as in and by one Act made in the fourteenth and fifteenth Years of his Late Majesty King Charles the Second, Entituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tonnage, and other Sums of Money unto His Royal Majesty, His Heirs and Successors; the same to be Paid upon Merchandizes Imported and Exported into or out of this Kingdom, according to a Book of Rates hereunto Annexed, are directed and appointed for the Paying, Collecting, Levying and Receiving the Duties Settled and Granted by the said Act.

Provided always, That this Act shall continue and remain in Force for Three Years, to Commence and be Computed from the said first Day of June, One thousand seven hundred and five, and until the end of next Session of Parliament, next after the Expiration of the said Three Years, and no longer.

C H A P. VIII.

An Act to Regulate the Taking and Exacting Tolls throughout this Kingdom: And to prevent Ingroazing Coals in the City of *Dublin*.

Whereas the Eracting and Receiving Toll for any sort of Goods or Cattle driven or carried through any City, Corporation, Market-Town, or other place within this Realm, where such City, Corporate or Market-Town, at their own costs and charges do not keep up and repair some publick Bridge or Bridges,

Bridges, over which such Goods or Cattle shall be driven or carried, is greatly prejudicial to the Subjects of this Realm, and a discouragement to the Trade in general : For Remedy whereof,

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty Fourth Day of June, in the Year of our Lord, One thousand seven hundred and five, no Toll shall be demanded or received by any Body Politick or Corporate, or other person or persons, for any Cattle, Goods or Merchandizes whatsoever that shall be driven or carried into or through any City, Borough, Market-Town, or other place where the same shall not be sold, Consumed or Slaughtered.

Provided always, That where any person or persons, or Bodies Politick, heretofore lawfully could demand or take any Toll for any Cattle or other Goods driven or carried over any Bridge or Bridges for or in respect of such person or persons, or Body Politick, being obliged at his or their own costs and charges and not to the costs and charges of any County, County of a City, or County of a Town, to keep such Bridge or Bridges in repair ; That in such case such person or persons, or Body Politick, may receive and take such reasonable Toll for such Cattle or Goods driven or carried over such Bridges as he or they might have done by Law before the passing of this Act, and not otherwise.

And be it further Enacted by the Authority aforesaid, That in all cases where any Cattle shall remain Unsold at any Fair or Market, that it shall be lawful for the Owners or Drivers thereof to carry away such Cattle as shall remain Unsold, without paying any Toll whatsoever for the same.

And be it further Enacted by the Authority aforesaid, That in case any Body Politick or Corporate, or other person or persons whatsoever, shall presume to Take, Demand or Collect any Toll contrary to this Act ; That every such Offender shall forfeit for the first Offence the Sum of Ten Shillings, to be demanded before a Justice of the Peace within Six Days after such Offence committed ; And for the second and every other Offence after Conviction, the Sum of Five Pounds, to be demanded also within the time aforesaid ; one moiety thereof to the party injured, and the other moiety to the use of the poor of the Parish wherein such Offence shall be committed ; to be recovered by Distress and Sale of the Offenders Goods, on Conviction before any one or more Justice of the Peace of the County wherein such Offence shall be committed, by confession of the party offending, or by Oath of Two credible Witnesses to be taken before such Justice of the Peace ; who is hereby Impowered and Required to Administer such Oath, and to Hear and Determine such complaints : And in case any Justice of the Peace to whom such complaints shall be made, as aforesaid, shall refuse, or willfully neglect to put this Act in Execution, according to the true intent and meaning thereof ; every such Justice of the Peace shall for every such neglect or refusal, forfeit the Sum of Twenty Pounds ; the one moiety thereof to be to Her Majesty, Her Heirs and Successors, and the other moiety to the party grieved ; to be recovered by Bill, Plaint or Information in any of Her Majesty's Courts of Record ; in which no Escoine, Priviledge or Protection, nor any more than one Imparllance shall be allowed.

And for preventing all Frauds and Deceits that may be committed by such persons who shall drive or carry away Cattle, Goods or Merchandize into any City, Borough or Town Corporate, and shall there refuse to pay the accustomed Toll, under pretence that such Cattle, Goods or Merchandizes are only to be driven through such City, Borough or Town-corporate ; and shall after Sell or Dispose of all or any part of such Cattle, Goods or Merchandizes in such City, Borough or Town-corporate : Be it Enacted by the Authority aforesaid, That every such person or persons who shall offend therein, shall for the first offence forfeit Ten Shillings, being duly Convicted thereof before any one Justice of the Peace, or chief Magistrate of such City, Town or Borough wherein such Offence shall be committed ; and for every second and other offence that shall be committed after such conviction, as aforesaid, the party so offending shall forfeit the Sum of Five Pounds, to be Recovered and Levied as aforesaid.

And whereas the Prices of Coals have hitherto been unreasonably Inbanced, not only by a fraudulent practice used by the Owners of Gabbarts and Lighters, who by combination with the Masters of Coal Ships keep and detain great quantities of Coals in such Gabbarts and Lighters till the prices of such Coals are advanced ;

but also by several persons Buying up and Engrossing great quantities of Coals, and afterwards Selling the same at excessive Rates, to the great prejudice of the poor in the said City; For Remedy whereof, and for the better preventing the same, or the like evil practices for the future, Be it Enacted by the Authority aforesaid, That no Owner or Keeper of any Cabbart or Lighter within the Port of Dublin, shall keep on Board his or their Cabbarts or Lighters any Coals for any longer time than Eight Days at farthest: And that every such Owner or Master of such Cabbarts or Lighters shall hire out the same by the Day, and not by the Month, or in any other manner than as aforesaid, under the penalty of Forfeiting for every such offence the Sum of Forty Shillings, to be recovered before the Lord Mayor of the City of Dublin for the time being, on conviction of the party offending by the Oath of one or more credible Witnesses; one Moiety thereof to the Informer, the other Moiety to the poor of the Parish where such offence shall be committed; the same to be Levied by Sale and Distress of the Offenders Goods, by the Warrant of the Lord Mayor of the said City for the time being.

And for the more effectual suppressing the fraudulent practices aforesaid: Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Lord Mayor of the said City, to cause all or any of the Cabbarts that shall be laden with Coals, to be opened and brought up to the publick Key; there to be Sold at the fairest price that can be had for such Coals.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Mayor, Recorder, and Sir Senior Aldermen of the City of Dublin, and the Minister and Church-Wardens of the Parish where the said Coals are, or any four of them, whereof the Lord Mayor, Recorder or one of the said Aldermen to be one, at any time of the Day as they shall think convenient, to enter and go into the Cellars, Store-houses, Yards or other places where any person or persons have bought or laid up, or shall at any time hereafter buy or lay up any quantities of Coals, in order to be put to Sale by Retail or otherwise, and to view the same; and to order and direct the same to be Expoted to Sale at such Rates and Prices as they or the major part of them shall think fit and convenient.

And for the more effectual Execution thereof, Be it Enacted by the Authority aforesaid, That if any person or persons whatsoever shall refuse Entrance, or not obey the Orders and Directions of the said Lord Mayor and Recorder, and Aldermen, Minister and Church-Wardens, or any such four of them, in and about the Premises, as aforesaid; such person or persons shall Forfeit for every such offence the Sum of Five Pounds; the one Moiety to the poor of the Parish where the offence shall be committed, the other Moiety to the Prosecutor; to be recovered before the said Lord Mayor, Recorder, or any two Justices of the Peace of the said City, in the presence of the party, or in his absence, he being first duly Summoned to appear: And in case any person or persons shall refuse to Sell such Coals at the Rates thereon set by the Lord Mayor, Recorder and Justices of the Peace, or the major part of them; then such Coals shall be Sold at the said Rates by such person and persons as the Lord Mayor, Recorder and Justices, or the major part of them shall appoint; the Money to be paid to the Owner of such Coals, or in his absence, to those Impowered by him: which Sale shall be good and effectual in the Law to all intents and purposes whatsoever.

Provided nevertheless, That if any person or persons shall think him or themselves aggrieved by the price of Coals to be Set as aforesaid; he or they may appeal to the Chief Governor or Governors and Council of this Kingdom for the time being, who are hereby Impowered fully and effectually to redress the same as they shall think fit: This Act to continue in Force for Five Years, and from thence to the end of the then next Session of Parliament, and no longer.

CHAP. IX.

An Act for Explaining and putting in Execution an Act for Planting and Preserving Timber-Trees and Woods: And for explaining and putting in Execution an Act to avoid and prevent divers Misdemeanors in idle and lewd Persons in Barking of Trees.

To Plant according to the Statute

Whereas by an Act of Parliament passed in this Kingdom in the Tenth Year of the Reign of Our late Sovereign Lord King William the Third of Glorious

rious Memoir, Entituled, An Act for Planting and Preserving Timber-Trees and Woods: It is Enacted, That all and every person or persons being a Resident or Residents within this Kingdom, and who having any Estate or Freehold or Inheritance therein, kept or employed under his or their Stock, to the value of Ten pounds by the Year; and every Tenant for Years, who has Eleven Years of his or her Term unexpired, and who pays Ten pounds by the Year or more, shall from and after the Fifth and Twentieth of March, One thousand seven hundred and three, plant Yearly and every Year, during the Term of One and Thirty Years, Ten plants of Four Years growth or more: Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by Authority of the same, That such person or persons that hath or holdeth Thirty Acres of Land or more, in manner aforesaid, shall be obliged to plant Ten Trees of Oak, Firr, Elm, Ash, Mall-nut, Popler, Abele or Alder, Yearly of the Age aforesaid, and no other person or persons whatsoever.

passed in the 10th of K. William 3d. Cap. 12.

And be it further Enacted by the Authority aforesaid, That the planting of the Ten Trees Yearly in manner aforesaid, or the planting of any part, proportion or number of the Two hundred and sixty thousand six hundred Trees required to be Yearly planted by the aforesaid Act, shall not extend to the County of the City of Dublin, or to the City and Suburbs of Londonderry; or to oblige any person or persons to plant any Land Situate within the said Cities, or within one Mile of either of them, or within one Mile of any other City or Town-corporate; any thing in the aforesaid Act to the contrary in any wise notwithstanding.

Not to extend to the City of Dublin or the City of Londonderry, &c.

And whereas by reason of the shortness of the time allotted for the planting of the several numbers of Trees required by the said former Act, several Penalties and Forfeitures are already incurred: Be it therefore further Enacted by the Authority aforesaid, That all Penalties and Forfeitures already incurred by any person or persons, Bodies Politick and Corporate, for not planting any sort, number or quantity of Trees required by the aforesaid Act, be remitted, and by virtue of this present Act are remitted and discharged.

And be it further Enacted, That every person or persons that are obliged by the aforesaid Act to plant any number or quantity of Trees which they have not already planted, and are not exempted from planting by this present Act, shall have further time till the Fifth and Twentieth Day of March, One thousand seven hundred and eight, for the planting the same, within which time they shall plant the same, on pain to forfeit, as by the said former Act they were to forfeit.

Further time given for those that incurred Penalties by the former Act.

And whereas by the aforesaid Act the Two hundred and sixty thousand six hundred Trees to be Yearly planted in the several Counties of this Kingdom, are to be Oak, Elm or Firr: Be it Enacted by the Authority aforesaid, That they may be Oak, Elm, Firr or Ash; any thing in the aforesaid Act to the contrary in any wise notwithstanding.

Trees to be planted to be of Oak, Elm, &c.

And be it further Enacted by the Authority aforesaid, That any person or persons that hath Land in several Parishes in any County in this Kingdom, may at his or their discretion plant all the Trees he or they are obliged to plant by the aforesaid Act, in any one Parish in the County: And on Certificate filed with the Clerk of the Peace, that he or they have planted the full number of Trees that he or they were obliged to plant within the said County; he or they shall not be liable to any Penalty or Forfeiture for not planting in the several Parishes, according to the Return made by the Minister and Church-Wardens in the respective Parishes, any thing in the aforesaid Act to the contrary in any wise notwithstanding: And that every person or persons that shall neglect to plant the full number of Trees that he or they are obliged to plant by the aforesaid Act (except before excepted) at or before the Fifth and Twentieth Day of March, One thousand seven hundred and eight, shall forfeit and Pay Two pence per Tree, and no more, for every Tree not planted as aforesaid; to be Levied as by the aforesaid Act it is appointed; any thing in the said Act to the contrary in any wise notwithstanding.

Those that have Land in several Parishes may plant all the Trees in any one Parish, having a Certificate filed with the Clerk of the Peace, &c.

And be it further Enacted by the Authority aforesaid, That where Lands are Mountainous, and of a nature that will not nourish Trees, or so very near the Seas-side that Trees cannot thrive nor grow; That the Occupiers of such Lands may appeal to the General Quarter-Sessions of the Peace in the respective Counties, and on proof of the same to the Grand-Jury: And the Grand-Jury Presenting that such Lands are not qualified to bear and nourish Trees, the Occupiers or Proprietors of such Lands, by virtue of such Presentment to be Enter'd on Record in the

Where Lands are not fit to nourish Trees on Certificate they are exempted.

County-Book, among the publick Presentments of the County, shall be for ever acquitted and discharged from any Penalty or Forfeiture for not planting the number of Trees charged upon such Lands, by the Minister and Church-Wardens or Vestry of the Parish wherein such Lands do lie; any thing in the aforesaid Act to the contrary in any wise notwithstanding.

No Process
to be Levied
against any
person what-
soever, for
Levying the
Penalties, &c.

And be it further Enacted by the Authority aforesaid, That all and every person or persons in the actual Possession and Occupation of the several Lands in this Kingdom; whatsoever Estate such person shall have in such Lands, shall be obliged and liable to the planting of such proportion to the said Two hundred and fifty thousand six hundred Trees, by the former Act required to be planted yearly in such manner, and according to such Applotment as hath already been, or hereafter shall be made upon account of the said former, or this present Act: And that no Process shall Issue against any person or persons whatsoever, for the Levying of any Penalties to be incurred by virtue of the said former Act, or which are herein before mentioned, but against such persons only as the Justices of the Peace in their General Quarter-Sessions, shall in open Court order Process against.

And whereas great quantities of Young Trees are daily destroyed by the making of Gads and Wyths, and that it will very much Conduce to the Incouragement of the Iron and Hempen Manufactures, that Gads and Wyths be no more used in this Kingdom: Be it therefore further Enacted by the Authority aforesaid, That from and after the first Day of November, One thousand seven hundred and six, no person or persons shall make or use in Plowing, Drawing of Timber, or other Work whatsoever, or in Mattling the Walls of Houses or Cabbins, or Out-Buildings, any kind of Gadd or Gads, Wyth or Wyths, of Oak, Ash, Birch, Hazel, or other Tree whatsoever; and that any person that shall Offend herein, and shall be thereof Convicted at the Assizes or Quarter-Sessions held for that County, shall forfeit a Sum not exceeding Twenty Shillings, to be Levied by Warrant from the respective Courts where the matter shall be Tried or Determined; the one Moiety whereof to be to the Informer, and the other Moiety to the Poor of the Parish where the Offence is committed.

The aforesaid
Act to be in
force except
where this
Act orders
the contrary.

And be it further Enacted by the Authority aforesaid, That the aforesaid Act for Planting and preserving Timber-Trees and Woods, shall in all points be and remain in full Force, except in such Cases where it is otherwise appointed by this Act.

And for the further and better Explanation and Execution of one Act made in the Tenth Year of the Reign of His late Majesty King Charles the first, Entituled, An Act to avoid and prevent divers Misdemeanors in Idle and Lewd Persons, in Barkling of Trees, &c. Be it Enacted and Declared by the Authority aforesaid, That if any person or persons Unlawfully, and without Consent of the Owner or Owners, Possessor or Possessors, shall from and after the first Day of August, One thousand seven hundred and six, Take, Cut or Spoil any kind of Wood or Under-wood, Poles or Young Trees, Clap-boards, Barrel-staves, Shingles, Gads, Wyths, Mattles, Willows, or shall Dig or Pull up any Fruit-trees or other Trees, or Break or Cut any Hedge, Pales, Rails or Fence; every such person being Lawfully thereof Convicted according to the Directions of the said former Act, shall, over and above the satisfaction to be made to the Party grieved, pay to the Poor of the Parish where such Offence shall be committed, such Sum not exceeding Ten Shillings, as such Justice of the Peace or Chief Magistrate shall Judge meet; to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal of such Chief Magistrate or Justice of the Peace within the Limits of their respective Jurisdictions.

Provided always, That where the satisfaction to be made to such Party grieved, shall in the Judgment of such Justice of the Peace, or other Chief Magistrate, be Judged to amount to more than the Sum of Ten Shillings; every such Justice of the Peace, and Chief Magistrate shall Bind such Offender to the next Quarter-Sessions of the Peace to be held for such County, City, Town or Place respectively; who are hereby Impowered to make such Order for Recompence and Satisfaction of such Party grieved, and Payment of such Sum to the Poor of the Parish as aforesaid; and for Levying them by Distress and Sale of the Offenders Goods, as they in their Discretions shall think meet: And in Case such Justice of the Peace or Chief Magistrate, shall find that such Offender is unable to make Satisfaction, and pay such Sum to the Poor of the Parish, as aforesaid, or the Offender shall not Pay the same; then every such Justice and Chief Magistrate re-
spectively

respectively, shall for the first Offence, Commit such Offender to the House of Correction for any time not exceeding One Month, or shall Order such Offender to be publickly Whipt by the Constable or other Officer, at the next Market-Town or Place, on the next Market-Day, as to the Discretion of such Justice of the Peace or Chief Magistrate, shall respectively seem most convenient: And if such person shall again Offend in any of the Premises, being Lawfully Convicted, as aforesaid, and not making satisfaction and payment, as aforesaid; Such person shall be sent to the House of Correction, and be there kept to hard Labour for the space of Three Months, and also publickly Whipt, as aforesaid: And every such person Offending a third time in the Premises, and being thereof Convicted, and not making payment and satisfaction, as aforesaid, shall be deemed an incorrigible Rogue, and shall be sent to the House of Correction or Work-house, and there detained at hard Labour for the space of Two Years.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for any Constable, Officer or other person, by Warrant of any one Justice of the Peace, or Chief Magistrate of any City, Town or Place within the Limits of their respective Jurisdictions, to make search in all suspected Houses and Places for any Wood, Under-wood, Poles, Trees, Clay-boards, Barrel staves, Pales, Rails, Stiles, Posts, Gates, or for any Caddes, Myrbs, Mattes, Mill-lows, Hedge-wood, Bark, Kind or Coat of any Tree, unlawfully come by; or for any Wooll, Thread, Yarn, or other matter Dyed or Coloured with any Bark, Kind or Coat of any Tree unlawfully Barked as aforesaid: And if such person shall find any of the premises in the Possession of any person whom he shall suspect to have been guilty of the Offences aforesaid, or any of them; he shall bring such suspected persons before any such Justices of the Peace or Chief Magistrate, and such suspected person shall make proof before such Justice of the Peace or Chief Magistrate, to his Satisfaction, That such Trees, Timber, Timber-wares, Wood and Underwood, and the Bark with which such Wooll, Thread or Yarn was respectively Coloured, were fairly and honestly Bought by such suspected person, or given to him; or in Default thereof, such Suspected person shall be Judged and Deemed, and shall stand Convicted of the Breach of this Act; and shall be Subject to the severall Penalties above Inflicted for the first, Second and Third Offences before-mentioned, in Manner and Form herein Limited and Expressed.

The Magistrate to make search.

And be it further Enacted by the Authority aforesaid, That if it shall appear upon Oath to any one Justice of Peace or Chief Magistrate, that any person or persons have or hath bought or received any such Trees, Timber, Timber-wares, Wood, Under-wood, Hedge-wood, Bark, Kind or Coat of Trees, from any person or persons whom the person so Buying or receiving the same, had just Cause to suspect to have Stolen or Unlawfully come by the same; it shall and may be Lawful to and for such Justice of the Peace, or Chief Magistrate to Award the Party who Bought the same, to pay the treble Value thereof to the person or persons from whom the same was or were Stolen or Unlawfully Taken, so as such treble Value doth not exceed the Sum of Thirty Shillings; and in Default of payment, to Levy the same by Distress and Sale of the Goods of such person, by Warrant under the Hand of such Justice of the Peace or Chief Magistrate; and if such treble Damages shall exceed the Sum of Thirty Shillings, then such Justice of the Peace or Chief Magistrate, shall Bind over such person to the next General Quarter-Sessions of the Peace: And the Justices of the Peace at such General Quarter-Sessions, shall have Power and Authority to Assess and Ascertain such treble Value, and to make such Order for the Levying thereof by Distress and Sale of such Offenders Goods, as to them shall seem meet.

CHAP. X.

An Act to prevent Fees being taken in certain Cases.

WHEREAS divers of Her Majestys Subjects are frequently Molested and Oppressed by Rich, Powerful and Malicious persons, who to compass their own private Ends and Designs, and more for the sake of Revenge than Justice, do usually prefer Bills of Indictment against Poor and Innocent persons; and although such Prosecutions are Malicious and Groundless, and such Bills

No Fee or Sum of Money to be taken where the Bill is found Ignorant of mus.

If any Fees
taken, &c. to
forfeit 20 l.

A proviso on
account of
Treason, &c.

of Indictment return'd Ignoramus by the respective Grand-Juries; yet nebertheless great Fees have been and are usually taken from the persons Indicted, to the utter Ruin of some of them, and the Impoverishment of others: For Remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That after the first Day of June, in the Year of our Lord One thousand seven hundred and five, no Fee or Fees, Sum or Sums of Money, shall be demanded or received from any person or persons against whom any Bill of Indictment shall be preferred, and returned Ignoramus by the Grand-Jury, for Drawing or Ingrossing of such Bill of Indictment, or for the Juries Verdict of Ignoramus thereon; and if any Sheriff, Sub-Sheriff, Clerk of the Crown or Peace, Judges Clerk, or any other person whatsoever, shall after the first Day of June, Demand, Receive, or take from any person against whom any Bill or Bills of Indictment shall be preferred, on which an Ignoramus shall be found, or from any other on his or her behalf, any Sum or Sums of Money, or other Reward, for the Drawing or Ingrossing such Indictment, or for such Verdict of Ignoramus; every such person so Offending, shall for every such Offence forfeit the Sum of Twenty Pounds; the one Moiety thereof to be to our Sovereign Lady the Queen's Majesty, Her Heirs and Successors, and the other Moiety to him or them that shall or will sue for the same in any of Her Majesty's four Courts in Dublin, or other of Her Majesty's Courts of Record within their respective Limits, by Bill, Plaint or Information; in which no Escoine, Wager of Law, or Protection, or any more than one Imparlance shall be allowed.

Provided nebertheless, That nothing herein contained shall extend to any Indictments of or for any Treason, Misprision of Treason, Felony or Premunire.

CHAP. XI.

An Act against Horse-Stealing: And to prevent the Buying and Selling of Stolen Horses: And for Punishing all Accessories to Felons.

An open place
to be provided
by the
Keeper or
Proprietor,
&c.

The Fair or
Market to be
kept from 10
in the Morn-
ing till Sun-
set.

A Book to be
kept, &c.

For preventing Horse-Stealing, which is now grown so common as neither in Pastures or Clovers, nor hardly in Stables, the same are safe from Stealing; which is occasioned by the ready Buying of the same by several persons in open Fairs or Markets far distant from the Owner, and with such speed as the Owner cannot by pursuit possibly help the same: For Remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That the Proprietor, Farmer or chief Keeper of every Fair or Market Overt within this Realm, shall before the Twenty fifth Day of December, One thousand seven hundred and five, and so yearly, Appoint and Limit out a particular and certain open place within the Town, Place, Field or Circuit, where Horses, Mares, Geldings, Colts and Fillies, have been or shall be used to be Sold in any Fair or Market Overt; in which said particular and certain open place aforesaid, there shall be by the Proprietor, Farmer or Keeper of the said Fair or Market, put in and appointed one sufficient person or persons to take Toll, and keep the same place from Ten of the Clock before Noon, until Sun-set every Day of the aforesaid Fair and Market; to enter the Sale, Gift or Exchange of every Horse, Mare, Gelding, Colt or Filly Sold, Exchanged or put away in every of the said Fairs or Markets, upon pain to Lose and Forfeit for every Default, the Sum of Twenty Shillings: And that on the Bargain, Exchange, Gift, Contract or putting away of every such Horse, Mare, Gelding, Colt or Filly, so Sold, Exchanged or put away in any Fair or Market as aforesaid, within this Realm; all the Parties making the Bargain, Exchange, Gift, Contract or putting away of every such Horse, Mare, Gelding, Colt or Filly, shall be present; and also the same Horse, Mare, Gelding, Colt or Filly, so Sold, Exchanged, Given or put away, shall be produced before such person so deputed and appointed as aforesaid; and when they are all present, and not before, such Book keeper, Toll-keeper, or other Person, shall Write or cause to be Written in a Book to be kept for that purpose, the Names, Surnames and Dwelling places of all the said Parties; and the Colour, with one special Mark at least, of every such Horse, Mare, Gelding, Colt or Filly, on pain to Forfeit

Forfeit at and for every Default contrary to the Tenor hereof, Twenty Shillings: And that the said person or persons so deputed or appointed to be Keeper of the said Book, shall within one Day next after every such Fair or Market, bring and deliver his said Book to the Proprietor, Farmer or Chief Keeper of the said Fair or Market; who shall then cause a Note to be made of the true number of all Horses, Mares, Geldings, Colts and Fillies, Sold, Exchanged, given or put away at the said Market or Fair; and shall there subscribe his Name, or set his Mark thereunto, on pain on every Default therein to Forfeit Twenty Shillings.

And be it further Enacted by the Authority aforesaid, That the Sale, Gift, Exchange or putting away after the Twenty Fifth Day of December, One thousand seven hundred and five, in any Fair or Market Overt, of any Horse, Mare, Gelding, Colt or Filly, that is or shall be Stolen or Felloniously Taken away from any person or persons, shall not alter, take away, or change the property of any person or persons, to or in any such Horse, Mare, Gelding, Colt or Filly, unless the said Horse, Mare, Gelding, Colt or Filly, shall be in the time of the said Fair or Market wherein the same shall be Sold, Given, Exchanged or put away, openly Ridden, Led, Walked, Driven or kept standing by the space of one Hour together, at the least, betwixt Ten of the Clock in the Morning and the Sun Setting, in the open place of the Fair or Market wherein Horses are commonly used to be Sold; and not within any House, Yard, Back-lane, or other private or secret Place; and unless all the Parties making the Contract, Bargain, Gift or Exchange in the said Fair or Market, shall also come together before such Book-Keeper and also bring the Horse, Mare, Gelding, Colt or Filly, so Sold, Exchanged, Given or put away, at the same time before such Book-Keeper, as aforesaid, to the open place appointed for the Book-Keeper; and there Enter or cause to be Entered their Christian Names, Sir-names, Dwelling-places, in manner aforesaid, with the Colour or Colours, and one special Mark at the least, of every of the same Horses, Mares, Geldings, Colts or Fillies, in the Keepers Book for that purpose, as is aforesaid: And that no person after the said Twenty Fifth Day of December, One thousand seven hundred and five, shall in any Fair or Market, Sell, Give, Exchange or put away any Horse, Mare, Gelding, Colt or Filly, unless the Book-Keeper or chief Officer of the same Market or Fair, shall and will take upon him perfect knowledge of the person that so shall Sell or offer to Sell, Give or Exchange any Horse, Mare, Gelding, Colt or Filly; and of his true Christian Name, Sir-name and Place of Dwelling or Residence; and shall Enter all the same to his knowledge in a Book there kept for Sale of Horses: Or else, that he so Selling or offering to Sell, Give, Exchange or put away any Horse, Mare, Gelding, Colt or Filly, shall bring to the Book-Keeper one sufficient and credible person that can, shall and will testify and declare unto and before such Book-Keeper, that he knoweth the Party that so selleth, giveth, Exchangeth or putteth away such Horse, Mare, Gelding, Colt or Filly; and his true Name, Sir-name, Mystery and Dwelling-place; and there Enter or cause to be Entered in such Book, as well the true Christian Name, Sir-name, Mystery and Place of Abode, Dwelling or Residence of him who so selleth, giveth, Exchangeth, or putteth away such Horse, Mare, Gelding, Colt or Filly, as of him who so shall testify or avouch his knowledge of the same person; and shall also Enter the very true Price or Value that he shall have for the same Horse, Mare, Gelding, Colt or Filly: And that no Book-Keeper or other person Employed in that Service, shall Enter any Sale, Gift, Exchange or putting away of any Horse, Mare, Gelding, Colt or Filly, unless he knoweth the Party who so selleth, giveth, Exchangeth or putteth away such Horse, Mare, Gelding, Colt or Filly; and his true Christian Name, Sir-name, Mystery and Place of his Dwelling or Residence; or the Party who shall so justify and avouch, as is herein before Enacted: And such Book-Keeper or other person shall give to the person so Buying or Taking by Gift or Exchange such Horse, Mare, Gelding, Colt or Filly, requiring and paying Three Pence for the same, a true and perfect Note in Writing of all the full Contents of the same, subscribed with his Hand, upon pain that the Person making any untrue Testimony or Avouchment in the behalf aforesaid, and every person so Selling, Giving, or Exchanging or putting away any Horse, Mare, Gelding, Colt or Filly, without being known to the Book-Keeper, or other Officer aforesaid, or without bringing such a Voucher or Witness, causing the same to be Entered as aforesaid; and every Book-Keeper, Toll-Keeper, or other Officer of Fair or Market, neglecting to do his Duty, shall severally Forfeit for every

If Stolen and Sold, not to alter the property.

To be Ridden, kept standing, Driven or Walking in the publick Street at least one hour.

The Price or Value to be entered.

The Name and Place of the party Vouching to be Registered.

Bargain not made according to this Act, void.

every such Default, the Sum of Twenty Shillings: And also every Sale, Gift, Exchange or other putting away of any Horse, Mare, Gelding, Colt or Filly in Fair or Market, not used in all points according to the true meaning of this Act, shall be void: The said several Penalties to be recovered before the Justice and Justices of Assize in the several Places where they sit: And where they do not sit, then before the Justices of the Peace at their several Quarter-Sessions; and Levied by their respective Warrants by Distress, on the Goods of every person making Default, and Sale of such Goods; returning the Overplus (if any) to the Party so Distrained.

The Justice of the Peace to Hear, &c.

And be it further Enacted by the Authority aforesaid, That the Judge and Judges of Assizes in their several and respective Circuits, and the Justices of the Peace of every other Place and County where the Judge or Judges of Assize do not sit, shall respectively have Authority in their respective Assizes and Sessions, within the Limits of their Authority and Commission, to Inquire, Hear and Determine all Offences against this Statute.

And be it further Enacted by the Authority aforesaid, That all the Penalties in this Act shall be the one Half to the Poor of the Parish where the Offence is committed, or other publick Work, as the said Judge or Judges of Assize and Justices of the Peace in their said Sessions shall respectively Order, and the other Poerty to the person who will sue for the same before such Judge or Judges of Assize or Justices of the Peace, at their Sessions aforesaid.

Receivers of Stolen Goods liable to be prosecuted.

And forasmuch as Buyers and Receivers of Stolen Goods and Chattles do oftentimes harbour, convey away and conceal the principal Felons, so that they cannot be convict of such principal Felonies, and thereby such Buyers and Receivers, and other accessaries to such Felonies, have escaped all manner of punishment; which hath greatly Encouraged the Buying and Receiving such Stolen Goods and Chattles: For Remedy whereof, Be it therefore Enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of December, One thousand seven hundred and five, it shall and may be Lawful to Prosecute and Punish every such person and persons Buying or Receiving any Stolen Goods or Chattles, knowing the same to be Stolen; or that shall otherwise be accessary to such Felony before or after the Fact, as for a misdemeanor; to be punished by Fine and Imprisonment, although the principal Felon be not before Convicted of the said Felony, which shall exempt the Offender from being punished as accessary if the principal shall be after Convicted.

Any Harbourer of Felons if he discover and prosecute two or more pardoned. This Act made perpetual by Stat. 6. Anne Cap. 12.

And be it further Enacted by the Authority aforesaid, That if any Harbourer of any Felon, shall Discover and Prosecute any two or more such Harbourers, so as they shall be taken, and shall be Convict of Harbouring, as aforesaid, at the Prosecution of such Discoverer; that then such Harbourer so Discovering and Prosecuting, shall by Virtue of this Act be pardoned and acquitted for his former crimes of Harbouring only, any thing in this Act to the contrary notwithstanding: This Act to continue in Force for five Years; and from thence to the end of the then next Session of Parliament, and no longer.

C H A P. XII.

An Act to Repeal the Statute made in the Fifth of Henry the Fourth, against Multiplying Gold and Silver: And to prevent Disputes and Controversies concerning Royal mines.

The Act of 1 Hen. 4th. Cap. 4 and 10. Hen. 7 Cap. 22. made in England and Rep.

Whereas by a Statute Made and Enacted in the Parliament Held in England, in the first Year of the Reign of King Henry the Fourth, late King of England, it was amongst other things Enacted in these Words, or to this Effect, Namely: "That none from henceforth should use to Multiply Gold or Silver, or use the Crafts of Multiplication: And if any of the same do, they shall Incur the Penalty of Felony. Which Statute, by an Act made in the Parliament held in this Realm in the Tenth Year of the Reign of the late King Henry the Seventh, was Enacted to be Used and Executed in this Land of Ireland.

And whereas since the making the said Statute, divers persons have by their Study, Industry and Learning, arrived to great skill and perfection in the art of melting and refining of Metals, and otherwise improving them and their Ores, which very much abound within this Realm, and Extracting Gold and Silver out of the

the same, but dare not Exercise their Skill within this Realm, for fear of falling under the Penalty of the said Statute; but Exercise the said art in Foreign parts, to the great loss and detriment of this Realm: Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from henceforth the aforesaid Branch, Article or Sentence contained in the said Act made in England, or any Word, Matter and Thing contained in the said Branch or Sentence, shall not be of Force, or Used or Executed within this Realm of Ireland; any thing in the said Acts, or either of them to the contrary in any wise whatsoever notwithstanding.

Provided also, and be it further Enacted by the Authority aforesaid, That no Mines of Copper, Tin, Iron or Lead, shall hereafter be Adjudged, Reputed or Taken to be a Royal Mine, although Gold or Silver may be Extracted out of the same.

And be it also Enacted by the Authority aforesaid, That all and every person or persons, being Subjects of the Crown of England, Bodies Politick or Corporate, that now are or hereafter shall be, the Owner or Owners, Proprietor or Proprietors of any Mine or Mines within the Kingdom of Ireland, wherein any Ore now is or hereafter shall be Discovered, Opened, Found or Wrought, and in which there is Copper, Tin, Iron or Lead, shall and may Hold and Enjoy the same Mine or Mines and Ore, and continue in the possession thereof; and Dig and Work the said Mine and Mines or Ore, notwithstanding that such Mine or Mines or Ore shall be pretended or claimed to be a Royal Mine or Royal Mines, any Law, Usage or Custom, to the contrary notwithstanding.

Provided always, and be it Enacted and Declared, That Her Majesty, Her Heirs and Successors, shall and may have the Ore of any such Mine or Mines in any part of the said Kingdom of Ireland, paying to the Proprietors or Owners of the said Mine or Mines wherein such Ore is or shall be found, within Thirty Days after the said Ore is or shall be Raised and Laid upon the Banks of the said Mine or Mines, and before the same be removed from thence, the Rates following (that is to say) For all Ore washed, made clean and Merchantable, wherein is Copper, at the Rate of Sixteen Pounds per Tun; and for all Ore washed, made clean and Merchantable, wherein there is Tin, at the Rate of Forty Shillings per Tun; and for all Ore washed, made clean and Merchantable, wherein there is Iron, at the Rate of Forty Shillings per Tun; and for all Ore washed, made clean and Merchantable, wherein there is Lead, at the Rate of Nine Pounds per Tun: And in default of payment of such respective Sums, as aforesaid, it shall and may be Lawful for the Owners and Proprietors of the said Mine or Mines, wherein such Ore is or shall be found, to Sell and Dispose of the Ore to his and their own use; any Law, Statute or Custom, to the contrary notwithstanding.

And whereas His late Majesty King James the Second, by Letters Patents bearing Date the Seventeenth Day of January, in the Second Year of His Reign, for the consideration in the said Letters Patents mentioned, did Demise, Grant, Set and to Farm Let, unto the Right Honourable James Earl of Abbercorne, then James Hamilton of Donalong in the County of Tyrone, Esquire, all and every the Minerals, Mines, Pettals or Ores, holding Gold or Silver, or mixed with Gold or Silver; and also all other Minerals, Mines, Ores or Pettals, to His Majesty, His Heirs and Successors, belonging, as well not holding Gold and Silver as holding Gold and Silver, within the Province of Munster; and also all such Mines, Minerals and Ores, within all the Provinces in the Kingdom of Ireland, and all and every part thereof, whether then discovered or opened, or not; and all His Majesty's Smelting-houses, Forges, Cole-yards, Store-houses and other Buildings; and the Sites and Soil of such Houses, Forges, Cole-yards, Store-houses and Buildings in Ireland, several of which are particularly named in the said Letters Patents; TO HAVE AND TO HOLD the same for the Term of Sixty One Years, to commence from the Day of the Date of the said Letters Patents; yielding and paying therefore, during the said Term, to His late Majesty, His Heirs and Successors, at the Receipt of His Majesty's Exchequer in Ireland, or to the Vice-Treasurer or Receiver-General of the Rents and Revenues of the Kingdom, that yearly Rent of Ten Pounds Sterling, to be paid at the Feast of the Annunciation of the Blessed Virgin Mary, and Saint Michael the Arch-Angel, by equal portions: In which Letters Patents are also contained several other beneficial Grants and Clauses as by the same, Relation being thereunto had, which are duly Enrolled in the Rolls Office of this Kingdom, may fully appear.

No Mines of Copper, Tin, Iron or Lead, to be taken as Royal, &c. Every person being a Subject to the Crown of England, Bodies Politick or Corporate, may Dig or Work them, &c.

The Rates to be paid if Her Majesty or Heirs have a desire to have the Ore.

The Lord
Abbercorne to
receive an
Equivalent
for his Grant.

And whereas several persons have been Discouraged from Searching and Digging for Mines in several parts of this Kingdom, being apprehensive that after much Labour and Expence, it might often so fall out that the Mines discovered and opened, might prove of that sort and nature to which the Crown or the said Earl of Abbercorne, by Virtue of the said Letters Patents might Have or Claim a Right; by means whereof, several Mines remain within this Kingdom unopened, to the publick prejudice thereof: For the removing therefore of the said Impediments, and to the end the publick may reap the greater benefit and advantage hereby, and that the said James Earl of Abbercorne may have and receive an equivalent for the said Grant, Be it Enacted by the Authority aforesaid, That the said Letters Patents, and all and every the Grants and Clauses therein contained, shall be and are hereby Revoked, Annulled and made Void: And that in lieu thereof, and as an Equivalent for the said Grant, the Sum of Four Thousand Pounds Sterling, shall be paid unto the said James Earl of Abbercorne, his Executors, Administrators and Assigns, in full satisfaction and discharge of all his demands or pretensions to all or any the Mines opened or unopened, discovered or undiscovered within this Realm: And the Treasurer or Vice-Treasurer of this Kingdom for the time being, is hereby required and commanded to pay the said Sum of Four Thousand Pounds unto the said James Earl of Abbercorne, his Executors, Administrators and Assigns, in the manner following (viz.) Two Thousand Pounds, part of the said Four Thousand Pounds, on or before the Twenty fifth Day of December, which will be in the Year of our Lord God One thousand seven hundred and five; and the remaining Two Thousand Pounds on or before the Twenty fifth Day of December, which will be in the Year of our Lord One thousand seven hundred and six.

And whereas the said Earl of Abbercorne hath contracted with several persons for his Interest in several Mines in this Kingdom: Pursuant to which Contracts, and by and with the Consent and Licence of the Proprietors of the Soil, several Contractors have laid out great Sums of Money, and have been at considerable Expence already by Creating Smelting-houses, and Digging for and Opening Mines, which are now at Work to the great benefit of the Kingdom: Be it therefore Enacted by the Authority aforesaid, That nothing in this present Act contained, shall extend to avoid the said Leases or Contracts made by the said Earl of Abbercorne to or with any person or persons, who by virtue of such Lease or Contracts, and by the Consent and Licence of the Owner of the Soil, have already Opened or Wrought any Mine or Mines within this Kingdom; but that it shall and may be Lawful to and for such person or persons, his and their Executors, Administrators or Assigns, to make his or their Election before the Twenty fifth Day of December, which will be in the Year of our Lord God One thousand seven hundred and five, either to Waive and Surrender the benefit of such Leases and Contracts to the Owner or Proprietor of the Soil; or else to insist on the benefit thereof: And in case such person or persons shall fail to make his or their Election within the time aforesaid, or shall Elect to Waive and Surrender the same, as aforesaid; that then and from thenceforth, as well the said Leases and Contracts made between such person and persons, and the said Earl, as all Leases and Contracts made between the Owner and Proprietor of the Soil and the said Earl, shall be Null and Void; and as well the said Earl of Abbercorne, as the said person and persons aforesaid, shall be from thenceforth Discharged from all Covenants, Clauses, Payments and Agreements made concerning the same: But in case the said person or persons, his or their Executors, Administrators or Assigns, do or shall within the time aforesaid, make his or their Election to insist on the benefit of such Leases, Contracts or Agreements; then he or they shall from thenceforth pay or cause to be paid and performed unto the respective Owners and Proprietors of the Soil, all such Sum and Sums of Money and other Considerations, Covenants and Agreements, at such times and in such manner as the same were referred, and are now payable or to be performed in and by such Leases or Contracts unto the said Earl of Abbercorne: And that the said Owner and Proprietor of the Soil, shall have such remedy for the same, as the said Earl of Abbercorne would have had in case this Act had not been made: And that all such Leases and Contracts as shall not by the last Day of Michaelmas Term, in the Year of our Lord God One thousand seven hundred and five, be produced and proved by Affidavit or otherwise, to the satisfaction of the Barons of Her Majesty's Court of Exchequer in Ireland, shall be counted Null and Void, to all intents and purposes whatsoever.

And

Provided always, That nothing herein contained shall Bar the said Earl of Abbercorne, his Executors or Administrators, from Demanding, Suing for, and Recovering all such Rents and Sums of Money, which on or before the First Day of November, One thousand seven hundred and four, were due and payable to him.

And be it Enacted by the Authority aforesaid, That all Leases, Contracts and Agreements made by the said Earl of Abbercorne, his Agents or Attorneys, of any Mines or Minerals in other Mens Soil, wherein as yet no Mine has been opened, in pursuance of such Agreement, shall for ever hereafter be Null and Void to all intents and purposes: And the said Earl of Abbercorne, his Heirs, Executors and Administrators, shall pay back to all such persons, all Fines and other considerations by them respectively paid as Fines for obtaining such Lease or Contract; which said Fines, shall before the last Day of Michaelmas Term, One thousand seven hundred and five, be made appear to have been so paid for the same, by producing such contract, or making due proof thereof by Affidavit, otherwise to the satisfaction of the Barons of Her Majesty's Court of Exchequer as aforesaid.

To have or sue for all due on or before the First of November, 1704. All Leases and Contracts made by the Earl of Abbercorne where no Mines are opened to be void and null.

C H A P. XIII.

An Act for the Relief of poor Prisoners for Debt.

C H A P. XIV.

An Act for Regulating the Weights used in this Kingdom: And that Salt and Meal shall be Sold by Weight.

Whereas there are great diversities of Weights in this Kingdom, and in many parts thereof no true nor certain Ballance nor Weights are to be had to Weigh Merchandizes between Buyer and Seller, whereby great Frauds are used, and great Inconveniencies happen to the prejudice of the Trade and Traffique of this Kingdom: For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That there shall be one Weight throughout this Kingdom for the Weighing of all sorts of Merchandizes between Buyer and Seller; and that the same shall be according to the Pound of Averdupoize Weight, except the Weighing of Bread, Gold, Silver, and Druggs and Apothecaries Wares: And that all manner of Merchandizes shall be Weighed by Ballance, so that the Tongue of the said Ballance be even without Bowing to one side or the other, or by putting Hand or Foot, or touch, or disorder the same.

To be one Weight throughout this Kingdom between Buyer and Seller, to be according to Averdupoize Pound, &c. except Bread, Gold, Silver, Apothecaries, &c.

And to the end there may be one certain Weight to be for ever hereafter used in this Kingdom as aforesaid, Be it Enacted by the Authority aforesaid, That on or before the first Day of August, which shall be in the Year One thousand seven hundred and five, there shall be provided at Her Majesty's charge, a Set of just and true Weights (that is to say) One ounce Weight, One Pound Weight, One Four Pound Weight, One Seven Pound Weight, One fourteen Pound Weight, One Twenty Eight Pound Weight, and One half Hundred Weight, or fifty Six Pounds: All which Weights are to be made and Sized according to the True and Just Averdupoize Weight, And shall be made of Brass, And shall be Marked with the Letters A. R. with the Crown over them: And the said Weights so Made, Adjusted, and Prepared, shall be Lodged in Her Majesty's Exchequer, in the Custody of the Lord Treasurer of this Realm, or of the Vice-Treasurer, his Deputy or Deputies for the Time being: there to be and remain as the Standard-Weights for this Kingdom of Ireland: That there shall be also provided in every City and Town in this Kingdom, that are Counties of themselves, at the charge of the said Cities and Towns, and also in every County within this Kingdom, at the charge of the said Counties; before the first Day of November, One thousand seven hundred and five, a Set of just and true Weights (that is to say) One ounce Weight, One Pound Weight, One Four Pound Weight, One Seven Pound Weight, One fourteen Pound Weight, One Twenty Eight Pound Weight, and one half Hundred Weight of fifty Six Pounds: All which said several Weights shall be made of Brass, and shall be Tried, Sized, and made equal and just with the Weights aforesaid remaining in Her Majesty's Court of Exchequer: And being so Tried, Sized, and made just and equal, shall be Sealed by the Officer in whose custody the said Standard Weights do remain, with the same Seal wherewith the said Standard Weights are Sealed: For the Sealing and Trying each Weight,

The Standard Weights to be at Her Majesty's Charge, one Pound, half Pound, &c.

there shall be paid to the said Officer the Sum of One Penny, and no more : which said several Weights shall be and remain in the custody of the Mayor for the time being, in each City and Town that are Counties by themselves, to be the Standard-weights in the said Cities and Towns that are Counties of themselves ; by which all the Weights in the said Cities and Towns are to be Tried, Seized and Regulated : And in Counties at large, the said Weights are to be and remain in such Town in each County as hereafter named and appointed (that is to say)

In the Town of Dundalk for the County of Lowth.
 In the Town of Trim for the County of Meath.
 In the Town of Mullingar for the County of West-Meath.
 In the Town of Cavan for the County of Cavan.
 In the Town of Ardmagh for the County of Ardmagh.
 In the Town of Monaghan for the County of Monaghan.
 In the Town of Down-Patrick for the County of Down.
 In the Town of Carrigfergus for the County of Antrim.
 In the Town of Omagh for the County of Tyrone.
 In the City of Londonderry for the City and County of Londonderry.
 In the Town of Lifford for the County of Donnegal.
 In the Town of Inniskillin for the County of Fermanagh.
 In the Town of Carloe for the County of Catherlogh.
 In the Town of Ennis for the County of Clare.
 In the Town of Cork for the City and County of Cork.
 In the City of Dublin for the City and County of Dublin.
 In the Town of Gallway for the County of the Town of Gallway, and County of Gallway.
 In the Town of Tralee for the County of Kerry.
 In the Town of Naas for the County of Kildare.
 In the City of Kilkenny for the City and County of Kilkenny.
 In the Town of Philipstown for the King's-County.
 In the Town of Carrickdrumroft for the County of Leytrim.
 In the City of Limerick for the City and County of Limerick.
 In the Town of Longford for the County of Longford.
 In the Town of Ballinrobe for the County of Mayo.
 In the Town of Maryborough for the Queens-County.
 In the Town of Roscommon for the County of Roscommon.
 In the Town of Sligo for the County of Sligo.
 In the Town of Clonmell for the County of Tipperary.
 In the City of Waterford for the City and County of Waterford.
 In the Town of Wexford for the County of Wexford.
 In the Town of Wicklow for the County of Wicklow.

In the Custody of the chief Magistrate of the said Towns respectively, for the time being, to be the Standard Weights in the said Counties respectively, by which all the Weights in the said Counties are to be Tried, Seized and Regulated.

To be left
with the chief
Magistrate of
every City,
&c.

And be it further Enacted by the Authority aforesaid, That before the First Day of November, One thousand seven hundred and five, there shall be appointed in every City, Borough, and Market-Town within this Kingdom, by the chief Magistrate of the same, except in Places where the Toll and Customs belongs to any other person, and in such case by the person or persons to whom the Toll and Customs of such City, Borough, or Market-Town doth belong, one honest discreet person who shall be Weigh-Master in the said City, Borough or Market-Town ; who shall be Sworn Justly, Truly and Indifferently to Weigh all Goods, Wares and Merchandizes, as shall be brought unto him between Buyer and Seller : For the doing whereof, he shall and may take and receive for every Draught Weighing under a Hundred Weight, a Half Penny, and for every Draught Weighing One hundred Pounds or upwards, One Penny.

And be it further Enacted by the Authority aforesaid, That there shall be also provided before the First Day of November, One thousand seven hundred and five, at the charge of each City, Borough or Market-Town within this Kingdom, or by the Person or Persons to whom the Toll and Customs of the same do belong in manner as aforesaid, one Good, Just and True Ballance or Iron-Beam, with Scales and Weights sufficient and convenient for the Weighing of all manner of Goods,

Goods, Wares and Merchandizes between Buyer and Seller, or between Party and Party: Which said Beams, Scales and Weights, are to be and remain under the care and custody of the Weigh-masters appointed as aforesaid, in each City, Borough or Market-Town in this Kingdom: And that all such Weights as shall be so provided and made use of as aforesaid, for Weighing of Goods, Wares and Merchandizes, shall be Tried, Sized, and made just and equal with the Brass Standard-Weights aforesaid, in every such City and Town that are Counties of themselves, and in every County at large within this Kingdom; and shall be Sealed with the Letters A R. and the Crest as aforesaid.

And be it further Enacted by the Authority aforesaid, That in case the Mayor for the time being of any City and Town, that is a County of it self within this Kingdom, shall neglect to provide a Sett of Brass Standard Weights in manner as aforesaid, or shall neglect to appoint and Swear a Weigh-Master in manner aforesaid: Or shall neglect to provide a Good, Just and True Ballance or Beam, with Scales and Weights sufficient and convenient for the Weighing of all manner of Goods, Wares and Merchandizes, between Buyer and Seller, at or before the Days or Times before limited for the doing of the same; that then, and in such case every such Mayor for the time being, of such City or Town, being a County of it self, or other person as aforesaid, shall forfeit for every Month that all or any of the particulars aforesaid shall be wanting, the Sum of Forty Shillings; the one Half to be to the Poor of the Parish of the City or Town where such forfeiture shall happen, the other half to such person as shall Inform and Prosecute for the same in manner as herein after directed: And in case there shall not be a Sett of Brass Standard-Weights provided in each County at large in this Kingdom, in manner aforesaid, and by the time limited as aforesaid; that the Justices of Assize at every Assizes to be held in this Kingdom, and the Justices of the Peace at their Quarter Sessions shall enquire thereof; and shall fine the said County in any Sum not exceeding five Pounds, and Commit the same into Her Majesty's Court of Exchequer; and so continue every Assizes and Sessions, until the said Weights shall be provided as aforesaid.

The Mayor or chief Magistrate of every City or Town, to provide a sett of Weights, &c.

And that in case the chief Magistrate of any Borough or Market-Town in this Kingdom, or the person or persons to whom the Toll and Customs of any Market-Town, not being a Corporation, doth belong, shall neglect to Appoint and Swear a Weigh-Master, or shall neglect to provide a Good, Just and True Ballance or Beam, with Scales and Weights, necessary and sufficient for the Weighing of all Goods, Wares and Merchandizes as aforesaid, for the space of a Month after the Days or times before limited; that then, and in such case, every such chief Magistrate of any Borough or Market-Town, being a Corporation; Or, the person or persons to whom the Toll or Customs of any Market-Town being or not being a Corporation of it self, doth belong, shall forfeit the Sum of Forty Shillings for every Month that all or any of the particulars aforesaid shall be wanting; the one half to be to the Poor of the Parish, and the other half to the person or persons that shall Inform of, and Prosecute the same in manner as is hereafter directed: That the Mayor for the time being of every City or Town in this Kingdom, being Counties of themselves, and the chief Magistrate for the time being, of every Borough and Market-Town, or the person or persons that Receives the Tolls and Customs of every or any Market-Town, as aforesaid, shall on the Death or Removal of any Weigh-Master, appoint and Swear another in the Place; and shall from time to time for ever hereafter maintain and preserve a common Ballance or Beam, and Weights sufficient and necessary in manner aforesaid, on pain of Forfeiting Forty Shillings for every Month, all or any of the said particulars shall be wanting; which forfeiture shall be disposed in manner as hereafter is directed.

A Weigh-master to be sworn and not to A.R. before.

And be it further Enacted by the Authority aforesaid, That no Merchants, Weigh-Master, Trader or Dealer whatsoever, shall keep or use any manner of Weights for Weighing of any manner of Goods, Wares or Merchandizes Bought or Sold, but such as shall be justly Sized, Tried, and equal with the Standard-Weights aforesaid, and Sealed by the proper Officer in whose Custody the Standard-Weights of each County shall be and remain, on pain of Forfeiting Forty Shillings for every such Offence.

No Weights to be used but such as are Tried and Sealed.

Provided always, That nothing in this Act contained shall be construed to hinder any Merchant, Trader or Dealer, from Weighing all such Goods, Wares and Merchandizes, as he shall Buy or Sell with his own Weights, the Ballance be-

Any Dealer may weigh with his own Weights, &c.

ing

ing Just and True, and the Weights, being justly Sized, and True and equal with the Standard aforesaid, and Sealed with the Seal aforesaid, by the proper Officer in whole Custody the Standard-Weights in each County remain.

Justices of Peace in their Quarter-Sessions to enquire all offences against this Act.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the Justices of the Assize in their Circuits, and the Justices of the Peace in their Quarter-Sessions in this Kingdom, to inquire after all Offences against this Act, and hear and determine the same; and to Issue their respective Warrants for Levying the Forfeitures and Penalties in this Act mentioned to be disposed of; the one Moiety to the Poor of the Parish, and the other Moiety to such person as shall Inform or Prosecute for the same.

The Oath, &c. to be taken by the weigh-master before he Acts.

Provided always, That no person or persons whatsoever shall act as Weigh-Masters, or at any time execute the said Office before he doth take the Oaths, and subscribe the Declaration mentioned in the Act of Parliament made in England in the Third Year of the Reign of His late Majesty King William and the late Queen Mary of Blessed Memory, Entituled, An Act for the Abrogating the Oath of Supremacy in Ireland, and appointing other Oaths: which Oaths the respective Magistrates of every City, Borough, or Market-Town in this Kingdom; or where there is no Magistrate, the next Justice of the Peace is hereby Authorized to Administer.

Salt to be Sold by Weight, and no otherwise.

And be it further Enacted by the Authority aforesaid, That no Retailer, or other person or persons whatsoever, making or dealing in white Salt, or Buying white Salt to Sell again, shall from and after the first Day of November, in the Year One thousand seven hundred and five, Sell or put to Sale, Exchange or otherwise Dispose of any such Salt to any person or persons, or in any County, City or place whatsoever within this Kingdom, otherwise than by Weight, and not by Measure, or in any other manner.

Salt to weigh Fifty Six pound per Bushel, Flower, Cuttlings or any other sort of ground Corn to be sold by Weight. The Forfeiture for offending, &c.

And if the Salt so Sold be of the quantity of a Bushel, or more; that then it be at the Rate of Six and fifty Pounds Weight to the Bushel; and so in proportion for a greater Quantity: And also that every Miller, Mealman, or other person whatsoever Selling Flower, Meal, Cuttlings, or any other sort of Ground Corn by Retail, shall Sell the same by Weight, and not by Measure, or in any other manner whatsoever.

And that every person Offending therein, shall for every such Offence Forfeit any Sum not exceeding five Shillings, to him or her who shall Prosecute for the same, to be Recovered by Distress or Sale of the Goods of the Offender, by Warrant of a Justice of the Peace or other chief Magistrate; and for want of Goods sufficient to pay for the same, to be Sett in the Stocks for the space of two Hours.

And be it further Enacted by the Authority aforesaid, That the Forfeitures and Offences made and committed against this Act, as to the Selling of Salt and Meal, shall be Heard and Determined by any one Justice of the Peace of the said County or by the chief Magistrate of the Town where such Forfeiture shall be made, or Offence committed; who are hereby required to Hear, Adjudge and Determine the same, upon the Confession of the Party accused, or by the Oath or Oaths of one or more Credible Witnesses or Witnessess; and if the Party finds him or herself Agrieved by the Judgment given by such Justice of the Peace or Magistrate, the said Party shall and may Appeal to the Justices of the Peace at the next Quarter-Sessions, whose Determination therein shall be Conclusive.

All Salt imported, to pay Duty by Weight, &c.

And be it further Enacted by the Authority aforesaid, That all white Salt Imported into this Kingdom for the future, shall Pay Her Majesty's Duties by Weight, and not by Measure (that is to say) Fifty Six Pounds of white Salt shall be accounted a Bushel; and that the same Duty shall be paid for every Fifty Six Pounds Weight of white Salt as is now payable for a Bushel: And that Sixty five Pounds of Rock-Salt shall be accounted a Bushel; and that the same Duty shall be paid for every Sixty five Pounds of Rock-Salt as is now payable for a Bushel of Rock-Salt.

This Act made perpetual by 6th Annæ Cap. 12.

This Act, as to so much thereof as relates to the Buying and Selling of Salt and Meal by Weight; and as to so much thereof as relates to the making Her Majesty's Duties on white and Rock-Salt, payable by Weight; as also that Sixty five Pounds of Rock-Salt shall be accounted a Bushel, and Fifty six Pounds of white Salt be esteemed a Bushel; and the Duties to be Paid for such respective Weights thereof as aforesaid, for a Bushel of the said several Salts, to continue to the end of the next Sessions of Parliament, and no longer.

A C T S

Acts and Statutes made in a Parliament begun at *Dublin* the Twenty First Day of *September*, Anno Dom. 1703. In the Second Year of the Reign of Our Most Gracious Sovereign Lady Queen *ANNE*, before His Grace *JAMES* Duke of *ORMONDE*, Lord Lieutenant General and General Governor of *Ireland*.

C H A P. I.

An Act for Granting to Her Majesty an Additional Duty on Beer, Ale, Strong Waters, Tobaccoe, Callicoes, Linnens, Mullins, and other Goods and Merchandizes.

C H A P. II.

An Act for the Publick Registering of all Deeds, Conveyances and Wills, that shall be made of any Honors, Manors, Lands, Tenements or Hereditaments.

FOR securing Purchasers preventing Forgeries and fraudulent Gifts and Conveyances of Lands, Tenements and Hereditaments, which have been frequently practised in this Kingdom, especially by Papists, to the great prejudice of the Protestant Interest thereof, and for settling and establishing a certain Method with proper Rules and Directions for Registering a Memorial of all Deeds and Conveyances, which from and after the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and eight, shall be made and Executed, and of all Wills and Bequests in Writing made, or to be made, and published where the Devisor or Testatrix shall Dye, after the said Twenty fifth Day of March One thousand seven hundred and eight, for or concerning any Honors, Manors, Lands, Tenements or Hereditaments, in this Kingdom. We pray that it may be Enacted, And be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That one publick Office for Registering Memorials of Deeds and Conveyances, Wills and Bequests, shall be Established and kept in the City of Dublin, to be Managed and Executed by a fit and able person, or his sufficient Deputy, such person to be from time to time nominated and appointed by the Queen's Majesty, Her Heirs and Successors, and to continue in the said Office for so long time as he shall faithfully and honestly Demean himself thereof.

A Registry Office to be kept in the City of Dublin, for Conveyances, Wills, &c.

And be it further Enacted by the Authority aforesaid, That upon the Death of any such Register, and until another person be nominated and appointed in manner aforesaid, the Executors or Administrators of the Register Deceased, together with the Sureties for the said Register, or their Executors or Administrators shall appoint a proper person to Execute the Office of Register; for whose Demeanor in the Execution of the said Office, the Security given for such Register Deceased, shall be answerable.

On the Register's Death, and by whom.

And be it further Enacted by the Authority aforesaid, That a Memorial of all Deeds and Conveyances, which from and after the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and eight, shall be made and Executed, and of all Wills and Bequests in Writing made, or to be made, and published where the Devisor or Testatrix shall Dye, after the said Twenty fifth Day of March, One thousand seven hundred and eight, for or concerning, and whereby any Honors, Manors, Lands, Tenements or Hereditaments, within this Kingdom, may be any ways affected, may at the Election of the party or parties concerned, be Registered in such manner as is herein after directed.

All Memorials and Deeds, &c. may be Enrolled.

And be it further Enacted by the Authority aforesaid, That every such Deed or Conveyance, a Memorial thereof shall be duly Registered according to the Rules and Directions in this Act prescribed, shall from and after the said Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and eight, be deemed and taken as good and effectual both in Law and Equity, according to the priority of time of Registering such Memorial, for and concerning the Honors, Manors, Lands, Tenements and Hereditaments, in such a Deed or Conveyance mentioned or contained according to the Right, Title and Interest of the person or persons

Every Deed and Conveyance, a Memorial thereof being Registered shall be effectual according to Priority.

to conveying such Honors, Manors, Lands, Tenements and Hereditaments, against all and every other Deed, Conveyance or Disposition, of the Honors, Manors, Lands, Tenements or Hereditaments, or any part thereof comprized or contained in any such Memorial as aforesaid.

And be it further Enacted by the Authority aforesaid, That every Deed or Conveyance not Registered, which shall be made and Executed from and after the Twenty fifth Day of March, in the Year of our Lord One thousand seven hundred and eight, of all or any of the Honors, Manors, Lands, Tenements or Hereditaments, comprized or contained in such a Deed or Conveyance; a Memorial whereof shall be Registered in pursuance of this Act, shall be deemed and adjudged as Fraudulent and Void, not only against such a Deed or Conveyance Registered as aforesaid, but likewise against all and every Creditor and Creditors, by Judgment, Recognizance, Statute-Merchant, or of the Staple, confessed, acknowledged, or entered into, from and after the Twenty fifth Day of March aforesaid, as for and concerning all or any of the Honors, Manors, Lands, Tenements or Hereditaments, contained or expressed in such Memorial Registered as aforesaid. And,

All Memorials shall be Written in Parchment or Vellum under the Hand of one of the Grantors, &c.

And be it further Enacted by the Authority aforesaid, That all and every Memorial so to be Entered or Registered, shall be put into Writing in Vellum or Parchment, and Directed to the Register of the said Office; And in case of Deeds and Conveyances, shall be under the Hand and Seal of Count or one of the Grantors, or some or one of the Grantees, his, her, or their Guardians or Trustees, attested by two Witnesses, one whereof to be one of the Witnesses to the Execution of such Deed or Conveyance, which Witness shall by Affidavit to be made before the said Register or his Deputy, who is hereby Impowered and Required to Administer such Oath, prove the Signing and Sealing of such Memorial, and the Execution of the Deed or Conveyance mentioned in such Memorial, and the Day and Time of the Deliberation of such Memorial to the Register or his Deputy. And in case of Wills, the Memorial shall be under the Hand and Seal of some or one of the Devises, his, her, or their Guardians or Trustees, attested by two Witnesses, one whereof shall by Affidavit to be made before the said Register or his Deputy, prove the Signing and Sealing of such Memorial, which respective Affidavit, the said Register or his Deputy is hereby Impowered to take, and is hereby directed to file and Enter in a Book to be kept for that purpose.

Memorials of Wills, Deeds or Conveyances, &c. to be Entered, &c.

And be it further Enacted by the Authority aforesaid, That every Memorial of any Deed, Conveyance or Will, shall contain the Day of the Month and the Year when such Deed, Conveyance or Will bears Date, and was perfected, and the Names and additions of all the parties to such Deed or Conveyance, and of the Devisor or Testatrix of such Will, and of all the Witnesses to such Deed, Conveyance or Will, and shall express or mention the Honors, Manors, Lands, Tenements or Hereditaments, contained in such Deed, Conveyance or Will, and shall express or mention the Honors, Manors, Lands, Tenements or Hereditaments, contained in such Deed, Conveyance or Will, and the Names of all the Counties, Baronies, Cities, Towns Corporate, Parishes, Townships, Hamlets, Villages, Precincts within this Kingdom, where any such Honors, Manors, Lands, Tenements or Hereditaments, are lying and being, that are given, granted, conveyed, devised, or any way affected or charged by any Deed, Conveyance or Will, in such manner as the same are expressed or mentioned in such Deed, Conveyance or Will, or to the same effect; and that every such Deed, Conveyance or Will, or Probate of the same, of which such Memorial is to be Registered as aforesaid, shall be produced to the said Register, or his Deputy, at the time of Entering such Memorial, who shall Endorse a Certificate on every such Deed, Conveyance and Will, or Probate thereof, and therein mention the certain Day and Time on which such Memorial is so Entered and Registered, expressing also in what Book, Page and Number the same is Entered, and that the said Register or his Deputy, shall Sign the said Certificate when so Endorsed; which Certificate shall be taken and allowed as Evidence of such respective Registries in all Courts of Record whatsoever; and that every Page of such Register Books, and every Memorial that shall be Entered therein shall be Numbered, and the Day of the Month and the Year when every such Memorial is Registered, shall be Entered in the Margines of the said Register Books, and of the said Memorial; And that every such Register shall keep an Alphabetical Calendar of all Counties, Baronies, Cities, Towns Corporate, Parishes and Townships within this Realm, with Reference to the Number of every Memorial that concerns the Honors, Manors, Lands, Tenements or Hereditaments, in every such County, Barony, City, Town Corporate, Parish or Town-ship

Every Register to keep an Alphabetical Calendar of all Counties, &c.

shp respectfully, and of the Names of the parties mentioned in such Memorial: And that such Register or his Deputy, shall duly file every such Memorial, in order of time, as the same shall be brought to the said Office, and Enter or Register the said Memorials in the same Order that they shall respectively come to his Hands.

And be it further Enacted by the Authority aforesaid, That every such Register before he Enter upon the Execution of the said Office, shall be Sworn before the Lord chief Baron, or some other of the Barons of Her Majesty's Court of Exchequer, who are hereby required to Administer such Oath in these Words: You shall Truly and Faithfully Perform and Execute the Office and Duty that is Directed and Required by Act of Parliament, in Registering Memorials of Deeds, Conveyances and Wills within this Kingdom, so long as you shall continue in the said Office. So help you God.

And that when and as often as the said Register shall appoint any Deputy to Execute the said Office, such Deputy shall before he Enter on the Execution thereof, take the said Oath before the Lord chief Baron, or some other of the Barons of Her Majesty's Court of Exchequer, who are hereby required to Administer the same; and that every such Register at the time of his being Sworn into the said Office, shall also Enter into a Recognizance with two or more sufficient Sureties, to be approved of by the Lord chief Baron, or some other of the Barons of Her Majesty's Court of Exchequer, of the Penalty of Twenty Thousand Pounds unto Her Majesty, Her Heirs and Successors, to be taken by the said Lord chief Baron, or some other of the said Barons, conditioned for his True and Faithful performance of his Duty in the Execution of his said Office; the same to be kept, and to remain in the Office of Her Majesty's Remembrance of the Exchequer, amongst the Records of the said Court.

Provided nevertheless; and be it further Enacted by the Authority aforesaid, That when any Register shall Die, or Surrender his Office, and that within the space of Three Years from and after such Death or Surrender, no Disbehaviour appear to have been committed by such Register in the Execution of his said Office; Then, and in such case, at the End of the said Three Years after his Death, or Surrender the said Recognizance so Entered into by him, shall become Void and of no effect, to all intents and purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That every such Register, or his sufficient Deputy, shall give due attendance at his Office every Day in the Week, except Sundays and Holydays, between the Hours of Nine and Twelve in the Forenoon, and between the Hours of Three and Six in the Afternoon, for the Dispatch of all Business belonging to the said Office, And that every Register or his Deputy, as often as required, shall make Searches concerning all Memorials that are required as aforesaid, and give Certificates concerning the same, under his Hand if required by any person.

And be it further Enacted by the Authority aforesaid, That every such Register shall be allowed for the Entry of every such Memorial as is by this Act directed, the Sum of Six Pence, and no more, in case the same do not exceed One Hundred Words: But if such Memorial shall exceed One Hundred Words, then after the rate or proportion of Three Pence a Hundred for all the Words contained in such Memorial, over and above the first One Hundred Words, and the like Fees for the like number of Words contained in every Certificate or Copy given out of the said Office, and no more: And for every Search in the said Office, Six Pence, and no more.

And be it further Enacted by the Authority aforesaid, That if any such Register or his Deputy, shall neglect to perform his or their Duty in the Execution of the said Office, according to the Rules and Directions in this Act mentioned, or commit, or suffer to be committed any Undue or Fraudulent Practice in the Execution of the said Office, and be thereof Lawfully Convicted, That then such Register shall Forfeit his said Office, and pay treble Damages, with the full costs of Suit to every such person or persons as shall be injured thereby, to be recovered by Action of Debt, Bill, Plaint or Information, in any of Her Majesty's Courts of Record at Dublin, wherein no Essoin, Protection, Privilege of Parliament, or Waiver of Law shall be allowed, nor any more than one Imparlance.

And be it further Enacted by the Authority aforesaid, That the Person to be Nominated as aforesaid, upon the Death of any Register, to Execute the said Office during the time the same shall be Vacant as aforesaid, shall before he Enter on the Execution thereof, take the Oath herein before appointed to be taken by such Register, or his Deputy, before the Lord chief Baron, or some other of the Ba-

Every Register to take the Oath, &c.

To Enter into a Recognizance with Securities, &c.

If a Register Die, or Surrender, and no fault found in three Years after, the Recognizance to be void.

Daily Attendance except Sundays between Nine and Twelve in the Forenoon, and Three and Six in the Afternoon, His Fees.

Forfeiture and Damages on neglect of his Duty.

The Case of the person nominated upon the Death of the Register.

rons of Her Majesty's Court of Exchequer, who are hereby required to Administer such Oath: And that if such Person so nominated shall be Lawfully Convicted of any Neglect, Misdemeanor, Fraudulent Practice in the Execution of the said Office during such Vacancy, he shall be liable to pay treble Damages, with full costs of Suit to every Person that shall be Injured thereby, to be recovered as aforesaid.

The Extent
of this Act.

Provided also, and be it further Enacted by the Authority aforesaid, That this Act shall not extend to any Lease or Leases for Years, not exceeding Twenty One Years, where the Actual Possession goeth along with the said Lease, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

If more Writings than one, what to be done.

Provided always, and be it further Enacted by the Authority aforesaid, That where there are more Writings than one for making and perfecting any Conveyance or Security, which do name, mention, or any ways affect or concern the same Honors, Manors, Lands, Tenements or Hereditaments, it shall be a sufficient Memorial and Register thereof, if all the said Honors, Manors, Lands, Tenements or Hereditaments, and the Counties, Baronies, Cities, Towns Corporate, Parishes, Townships, Hamlets, Villages where the same lie, be only once named or mentioned in the Memorial, Register and Certificate of any of the Deeds or Writings made for the perfecting of such Conveyance or Security, and that the Dates of the rest of the said Deeds or Writings relating to the said Conveyance or Security, with the Names and Additions of the Parties and Witnesses, and the places of their Abode be only set down in the Memorials, Registers and Certificates of the same, with a Reference to the Deed of Writing, whereof the Memorial is so Registered, that contains or expresses the parcels mentioned in all the said Deeds and Directions, both to find the Registering the same.

Memorials or
Deeds, &c.
not within 50
Miles of Dub-
lin.

And be it further Enacted by the Authority aforesaid, That a Memorial of such Deeds, Conveyances and Wills as shall be made and Executed, and Published in any place not within Sixty Miles of the City of Dublin, shall be Entered or Registered by the aforesaid Register or his Deputy, in Case an Affidavit sworn before any one of the Judges at the Assizes, or before the Justices of the Peace in open Court, at the General Quarter-Sessions, or before a Person Commissioned, pursuant to a late Act of Parliament for taking Affidavits in the Country, in the presence of two or more Justices of the Peace of the same County, who are hereby required to Subscribe their Names as Witnesses to the taking of such Affidavit, be brought with the said Memorial to the said Register, or his Deputy; wherein one of the Witnesses to the Execution of such Deeds and Conveyances, shall swear, he or she saw the same Executed, and the Memorial signed and Sealed as aforesaid, or wherein one of the Witnesses to the Memorial of any Will, shall swear he or she saw such Memorial signed and Sealed as aforesaid; and the same shall be a sufficient Authority to the said Register or his Deputy, to give the Party who brings such Memorial and Affidavit, to be filed and Entered as aforesaid, a Certificate of the Registering such Memorial, which Certificate signed by the said Register or his Deputy, shall be taken and allowed as Evidence of the Registries of the same Memorials in all Courts of Record whatsoever, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Penalties for
Forging any
Memorial,
&c.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall at any time Forge or Counterfeit any such Memorial or Certificate as are herein before mentioned and directed, and be thereof Lawfully Convicted, such person or persons shall incur and be liable to such Pains and Penalties as in and by an Act of Parliament made in the Twenty Eighth Year of the Reign of Queen Elizabeth, of Blessed Memory, Entituled, An Act against Forging Evidences, are imposed upon Offenders therein mentioned; And that if any person or persons shall at any time Forswear himself before the said Register or his Deputy, in any of the Cases aforesaid, and be thereof Lawfully Convicted, such person or persons shall incur, and be liable to the same Penalties, as if the same Oath had been made in any of the Courts of Record at Dublin.

In case of any
inevitable Diffi-
culty.

Provided always, That in case a Debtor, or person or persons Interested in the Honors, Manors, Lands, Tenements or Hereditaments, Debited by any such Will, as aforesaid, by reason of the Contesting such Will, or other inevitable Difficulty, without his, her, or their willful neglect or Default, shall be disabled to Exhibit a Memorial for the Registering thereof, within their respective times herein before Limited; Then, and in such Case, the Registry of the Memorial within the space of Six Months as after his, her, or their Attainment of such Will or Probate thereof, or Removal of the Impediment, whereby he, she, or they are disabled or hindered

to Exhibit such Memorial, shall be a sufficient Registry within the meaning of this Act, any thing herein contained to the contrary thereof notwithstanding.

And be it further Enacted by the Authority aforesaid, That all persons that shall be Registers, and also all persons in Trust, for whom such Office shall be granted, shall be Resident in this Kingdom at least Nine Months in every Year. And if such Registers or Persons in Trust, for whom such Office shall be granted, shall absent him or themselves out of this Kingdom for more than Three Months in any one Year, except in case of Sickness, requiring his going or staying beyond the Sea, for the recovery of his Health, the said Office to be Void, any Precedent Grant thereof to the contrary notwithstanding.

What time the Register shall be Resident in this Kingdom.

CHAP. III.

An Act for continuing an Act made in the Ninth Year of the Reign of the late King William; Intituled, *An Act for the more easie obtaining Partitions of Lands in Coparcenary, Joint-Tenancy, and Tenancy in Common, and Bounding and Mearing of Lands.*

Whereas in a Parliament held, in the Ninth Year of the Reign of the late King William of Glorious Memory, a Statute was made, Intituled, *An Act for the more easie obtaining Partitions of Lands in Coparcenary, Joynt-Tenancy, and Tenancy in Common, and Bounding and Mearing of Lands; which Act is now Expired, but by Experience hath been found to be a good and profitable Law for this Kingdom, and fit to be a good and profitable Law for this Kingdom, and fit to be continued and made perpetual.*

Be it therefore Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That the said Statute, and all and every the Branches and Clauses in the same contained, are hereby Continued, and shall from henceforth be, Remain and Continue in Force and Effect.

Provided always, and be it Enacted by the Authority aforesaid, That notwithstanding any thing in this, or the former Act, mentioned or contained to the contrary; every of the said Joynt-Tenants, or Tenants in Common, and their Heirs, after such Partition made, shall and may have Aid of the other, or of their Heirs, to the Intent to Deraigne the Warranty Paramount, and to Recover for the Rate, as is used between Coparceners after Partition, made by the Order of the common Law, any thing in this, or the said former Act, contained to the contrary notwithstanding.

CHAP. IV.

An Act to prevent the Destroying and Murthering of Bastard-Children.

Whereas many Lewd Women who have been Delivered of Bastard-Children, to avoid their Shame and to escape Punishment, do secretly Bury or conceal the Death of their Children, and after, if the Child be found Dead, the said Woman do alledge that the said Child was Born Dead. Whereas it falleth out sometimes (although hardly it is to be Proved) that the said Child or Children were Murthered by the said Women, their Lewd Mothers, or by their Assent or Procurement.

For the prevention therefore of this great Mischief, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by Authority of the same, That if any Woman after the First Day of November, which shall be in this present Year One thousand seven hundred and seven, be Delivered of any Issue of her Body, Male or Female, which being Born Alive, should by the Laws of this Realm be a Bastard, and that she endeavoured privately, either by Drowning, or secret Burying thereof, or any other way, either by her self, or the procuring of others, so to conceal the Death thereof as that it may not come to Light, whether it were Born alive or not, but be concealed, in every such case, the Mother so Offending, shall Suffer Death, as in case of Murther; except such Mother can make Proof by One Witness, at the least, that the said Child whose Death was by her so intended to be Concealed was Born Dead.

Q

CHAP.

C H A P. V.

An Act for the amending and continuing an Act made in the Second Year of the Reign of Her most Excellent Majesty, Entituled, *An Act for the Recovery of Small Debts, in a Summary Way before the Judges of Assize.*

C H A P. VI.

An Act to Explain and Amend an Act, Intituled, *An Act to prevent Papists being Solicitors.*

Whereas by an Act of Parliament made in this Kingdom, in the Tenth Year of the Reign of His late Majesty King William, of ever Blessed Memory, Intituled, *An Act to prevent Papists being Solicitors*, It is Enacted, That from and after the first Day of March, in the Year of our Lord One thousand six hundred and ninety eight, no person or persons shall practice or act as Solicitor in any Court of Law or Equity; or as Agent or Manager in any Cause or Suit in Law or Equity, or as Seneschal or Solicitor in all or any of the Courts or Offices in this Kingdom, not having first taken the Oaths and Subscribed the Declaration in (the said Act mentioned;) and that any person who shall practice as aforesaid, before he shall have taken the said Oaths and subscribed the said Declaration, contrary to the purpose and meaning of the said Act, shall for every such Offence forfeit the Sum of One Hundred Pounds, and be incapable to be Executor or Administrator, or to take any Benefit by any Legacy, Gift, or Grant of any Lands, Tenements, Hereditaments, Goods, or Chattles whatsoever.

And whereas since the making the said Act, several known Papists of this Kingdom, have frequently and openly Practised and Acted as Solicitors and Agents in several Suits and Causes in Law and Equity, contrary to, and in Contempt of the said Act, the Penalty of One Hundred Pounds being too small, in respect of the great Gains they make by their Practice, and the Difficulties attending the prosecution thereof, are such, that the Mischief intended to be remedied by the said Act remains unredressed.

No Papist to
practice with-
out taking
the Oath, &c.

For remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That no Papist, or reputed Papist, be permitted, suffered or allowed, to practice or act as Solicitor, Agent or Manager in any Suit of Law or Equity, in any of Her Majesty's Four Courts in Dublin, the County Palatine of Tipperary, or in any Court of Record in this Kingdom, or in any Ecclesiastical Court, or Court of Admiralty, or as Clerk in any Sheriffs Office, or on any Commissions issued out of any Court of Equity, before he shall have taken the Oaths, and subscribed the Declaration in the said Act mentioned; as also the Oath of Abjuration following, in one of Her Majesty's Four Courts in Dublin.

I A B. do Truly and Sincerely Acknowledge, Profess, Testifie and Declare in my Conscience, before God and the World, That Our Sovereign Lady Queen ANNE, is Lawful and Rightful Queen of this Realm, and of all other Her Majesties Dominions and Countries thereunto belonging. And I do Solemnly and Sincerely Declare, That I do believe in my Conscience, that the Person pretended to be Prince of Wales, during the Life of the late King James, and since his Decease, pretending to be, and taking upon himself the Style and Title of King of England, by the Name of James the Third, hath not any Right or Title, whatsoever, to the Crown of this Realm, or any other the Dominions thereto belonging: And I do Renounce Refuse and Abjure, any Allegiance or Obedience to him. And I do Swear, That I will bear Faith and True Allegiance to Her Majesty Queen Anne, and Her will Defend, to the utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity. And I will do my best Endeavour to Disclose and make Known to Her Majesty, and Her Successors, all Treasons and Traiterous Conspiracies, which I shall Know to be against Her, or any of them. And I do faithfully Promise, to the utmost of my Power, to Support, Maintain and Defend, the Limitation and Succession of the Crown, against him the said James, and all other Persons whatsoever, as the same is and stands

stands Limited by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown*, to Her present Majesty, and the Heirs of Her Body being Protestants: And as the same by one other Act, Intituled, *An Act for the further Limitation of the Crown, and better Securing the Rights and Liberties of the Subjects*, is and stands Limited after the Decease of Her Majesty, and for Default of Issue of Her Majesty, to the Princess *Sophia*, Electress and Dutches Dowager of *Hanover*, and the Heirs of Her Body, being Protestants. And all these things I do plainly and sincerely Acknowledge and Swear, according to these exprefs Words by me Spoken, and according to the Plain and Common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or Secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Abjuration, Renunciation and Promise, Heartily, Willingly and Truly, upon the True Faith of a Christian.

So Help me GOD.

And be it further Enacted by the Authority aforesaid, That if any Papist or reputed Papist, shall after the first Day of Michaelmas Term next, presume to Practice or Act as Solicitor, Agent or Clerk, contrary to the Purport and Meaning of this or the said former Act, every person so Offending, shall, for every such Offence, forfeit the Sum of Two hundred Pounds, to be Recovered in such Manner as in, and by the said former Act is directed; and also incur and suffer the other Penalties and Disabilities in the said former Act mentioned.

The Forfeiture.

And for the greater Ease of such person or persons as are minded to Sue for the Recovery of the said Sum of Two Hundred Pounds, Be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term next, it shall, and may be Lawful, to, and for any person or persons whatsoever, who shall see or know any Papist, or reputed Papist, to practice or Act as Solicitor, Agent, Manager or Clerk, openly, in any of the Courts aforesaid, to Demand and Desire that the Oaths and Declaration, herein before mentioned, be forthwith Tended to him by the Court; and in case the person or persons so charged with Practising or Acting as aforesaid, shall then refuse to take the said Oaths, and subscribe the said Declaration, and Proof be made by the Testimony of Two or more credible Witnesses, upon Oath, to the Satisfaction of the Lord Chancellor, or other Judge or Judges, before whom such Cause depends, that the person so charged, hath Acted as Solicitor, Agent, Clerk or Manager, openly in the said Court before him, then, and in such case, or upon the Confession of the Party Accused, the Lord Chancellor or such other Judge or Judges, shall order the person so refusing, to take the said Oaths, and subscribe the said Declaration, to be Recorded as a Popish Solicitor Convict, of the said Offence; and every such person so Recorded, shall from thenceforth be Taken, Deemed, and Adjudged, a Popish Solicitor, Convict of the said Offence, and shall forfeit to the person or persons, at whose Instance the said Oaths and Declaration were so Tended to him the said Sum of Two Hundred Pounds, and shall be Committed in Execution until he pay the same; and shall also incur and suffer the other Penalties and Disabilities in the said Act mentioned.

The penalty on refusing to take the Oaths when called.

And be it further Enacted by the Authority aforesaid, That no Barrister, Attorney, Officer, or other Practiser in Law or Equity, shall be allowed to insist upon any Privilege, so as to Exempt, Excuse or Vnder, them, or any of them, from giving their Evidence or Testimony, and answering on Oath, as to their knowledge, in any matter that shall, or may, come in Question, on any Suit brought upon this, or the said former Act.

No Privilege to exempt from giving Evidence in this Act.

And forasmuch as the Safety and Prosperity of this Kingdom, very much depends on the Due Execution of such Laws as have been made for the Security of the Protestant Interest thereof; and that the same are in a great measure frustrated and rendered Ineffectual, by Papists being returned to Serve on Grand-Juries, in the several Counties of this Kingdom, as also on Petty-Juries, for Tryals of several Offences committed by Papists, in Breach and Violation of such Laws.

For remedy whereof, Be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term next, no Papist shall Serve on, or be Returned to Serve, on any Grand-Jury in Her Majesty's Court of Queen's Bench, or in any Court before Justices of Assize, Oyer and Terminer, or Seal Delivery, or Quarter Sessions, or in any Court in the County Palatine of Tipperary, unless it shall appear to the Justice or Justices of such Court that a sufficient num-

No Papist to serve on juries.

ber of Protestants cannot be then had for that Service; and that in all Tryals of Issues, on any Presentment, Indictment, or Information, or Action, on any of the said Statutes, it shall and may be lawful, to, and for the Prosecutor or Plaintiff, to challenge any Papist returned as Juror to Try the same, and assign for Cause, that the Person so returned to Serve is a Papist; which challenge, the Justice, Judge or Judges, before whom the same shall be Tried, shall Allow and Adjudge the same to be a Good and a Loyal challenge.

No Attorney
to take any
Papist Ap-
prentice or
Clerk.

And be it further Enacted by the Authority aforesaid, That no Attorney, Sir-Clerk, Solicitor, Officer, or Deputy Officer in any of the Courts aforesaid, shall after the said first Day of Michaelmas Term next, presume to Take, Keep, or Have any Papist, or reputed Papist, to be his Apprentice or Clerk, and that no Officer, or Deputy-Officer, shall willingly and knowingly Permit, Suffer, or Allow any such Popish Solicitor, Agent, or Manager as aforesaid, to View, Search, or Inspect, any of the Records, Pleadings, Rules, Orders, or Entries, in his or their Office or Offices; or otherwise to Practice, or Act as Solicitor or Agent there, upon pain and Forfeiture, for every such Offence, Fifty Pounds, to be recovered by such person or persons, as will Sue for the same, by Writ, Bill, Plaint or Information, in any of Her Majesties Courts of Dublin, in which no Copy, Privilege, or Wager of Law or more than one Imparance, shall be allowed.

Every person
Sued or Pro-
secuted to be
held to speci-
al Bail.

And for the better Encouragement of those who shall Prosecute such as shall Offend against this, or the said former Act, Be it Enacted by the Authority aforesaid, That all and every person or persons who shall be Sued or Prosecuted, for any Offence done against this, or the said former Act, shall be kept and held by the Court in which he or they shall be Sued, or Prosecuted, to special Bail.

Provided always, That nothing in this Act contained, shall be taken to extend to hinder any person or persons, that was, or were known, as professed common Solicitors, Managers or Agents, in any Cause or Causes, Suit or Suits, in any of the Courts of this Kingdom, in the Reign of King Charles the Second, and that hath been Adjudged to be comprehended within the Articles of Limerick, made upon the Surrender thereof, and hath taken the Oath of Abjuration before the first Day of July, One thousand seven hundred and seven, any thing in this Act contained to the contrary thereof, in any wise notwithstanding.

None Acting
for his Ma-
ster, &c.

Provided always, that nothing in this Act contained, shall be taken to Extend to Prohibit any person or persons, Plaintiff or Defendants, in his or their own Suit or Suits only, or to any Penial Servant acting as such for his Master, in his Suit or Suits only, in any of Her Majesties Courts of this Kingdom, and for no other person whatsoever.

Whereas on Executions by Elegits, Fieri Facias, Capias ad Satisfaciendum, and on Liberates, Writs of possession, and other Executions, the Sheriffs and other Officers having Execution of Writs, usually demand Great, Excessive, and Unlawful Fees. For prevention whereof,

Be it Enacted by the Queen's Most Excellent Majesty, By, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That no Sheriff or other Officer having Execution of Writs, shall from and after the Sixth Day of November, in the Year of our Lord, One thousand seven hundred and seven, Receive or Demand Fees for Executions either on Judgments, Statutes, or otherwise, for more than what the Party at whose Suit the Execution Issues, or his, or her, or their Attorney or Agent, shall under his or her Hand, Certifie to be justly due to him or her thereon; And that at the time any Writ of Execution shall be Demanded or Called for in any Office in this Kingdom, to whence such Execution is to Issue; the party demanding the same, shall lodge with the Officer a Writing or Certificate under the Hand of the party or parties for whom such Execution is demanded, or of his Attorney, containing such Sum as the party at whose Suit such Execution shall Issue, Demands and Justifies on to be in good Conscience due to him, after all Equitable Deductions that ought to be made out of the Sum for which the said Judgment is given; which Certificate shall be filed in the said Office, and the Sum therein contained shall be Entered in the Book where the Executions are Entered, and also on the foot of the Writ of Executions that shall Issue; For all which, the Fee of Twelve pence, and no more shall be demanded or taken; And that no Sheriff or other Officer having Execution of Writs, shall from and after the said Sixth Day of November, in the Year of our Lord One thousand seven hundred and seven, levy any other or greater Sum, or Demand or Receive more Fees on such Executions, than for such Sum as shall be so Entered on the foot of such Execution, notwithstanding such Execution shall contain a greater Sum than is so Entered on the foot thereof; and that no Execution shall be Executed, at the foot of which such Entry shall not be made, as is aforesaid.

No Fees to be taken for more than is due, and filed, &c.

And be it further Enacted by the Authority aforesaid, That in case on any such Execution, the Sheriff, or any other Officer having Executions of Writs as aforesaid, shall after the said sixth day of November, in the Year of our Lord One thousand seven hundred and seven, Demand or Receive Fees for more than appears to be due by such Certificate, that such Sheriff or Under-Officer shall be liable to the Action or Suit of the party against whom such Execution Issues, and shall forfeit, and answer to the said party, his, her, or their, double damages; And that if the party or parties at whose Suit such Execution shall Issue, or his, her, or their Attorney or Agent shall neglect or omit to deliver an Attested Copy as aforesaid, of such Certificate, together with such Writs of Execution, or shall appear willfully, fraudulently, and maliciously to have overcharged the party against whom such Execution Issues, in such Certificate given in, or made by them, that the party at whose Suit such Execution Issues, shall as aforesaid forfeit, and Answer to the party grieved, his, her, or their treble Damages, which said Execution shall be marked with the Sum contained in the said Certificate by the proper Officer Issuing such Execution.

If they shall charge over.

And be it likewise Declared and Enacted by the Authority aforesaid, That from and after the said Sixth Day of November, in the Year of our Lord One thousand seven hundred and seven, on all Executions by Capias ad Satisfaciendum, Fieri Facias, or Elegit, where Body, Goods or Chattles are taken in Execution, the Sheriff or other Officer aforesaid, shall and may after such Execution executed, demand and take for his Fees for such Execution, the sum of poudage of twelve pence per pound for the first hundred pounds, and six pence per pound for every other hundred pounds, and so proportionably for any greater or lesser sum of what shall appear to be due to the party Plaintiff by such Certificate, and no more, except only in case where Goods and Chattles only are taken in Execution, which do not amount to the value of the Plaintiff's Debt or Demand: And that in such case, the Sheriff or other Officer as aforesaid, shall or may take Fees of Poudage, according to the above mentioned Rate for so much only as the Goods or Chattles taken in Execution shall be valued at, or amount unto; and as he shall levy and pay over to the Plaintiff.

And be it further Enacted by the Authority aforesaid, That from and after the said Sixth Day of November, in the Year of our Lord, One thousand seven hundred and seven, on Executions by Writs of Elegit, Extendi Facias, Capias Utlagatum, Liberate, and all other Executions against Lands, Tenements or Hereditaments, where the

What Fees to be taken.

same only shall be seized into the Queen's Hands for the Benefit of the Subject, or Legal Possession only shall be Delivered, that the Sheriff or other Officer aforesaid shall and may demand and take the sum of one pound six shillings and eight pence for executing the same, and no more, or other fees of poundage, or otherwise: And that on Executions by Writ of Elegit, Liberate, and in all other cases where actual possession of Lands, Tenements or Hereditaments shall be delivered, the Sheriff or other Officer aforesaid, shall and may demand and receive twelve pence in the pound, so as the said fees upon any one Execution do not exceed the sum of five pounds; and in cases of Habere Facias Possessionem, the sum of two pounds ten shillings, and no more: Which fees, and no more, or other Gratifications or Reward, he shall and may receive, but shall not demand or receive the same until the said Writ or Writs are duly and fully executed.

And whereas through the great corruption and partiality of Sub-Sheriffs, and their Bayliffs, it is now become very difficult to have any Realne Process or Executions duly Executed, but Returns are made, that the party against whom such Process or Execution Issues, is not to be found, or that he hath no Lands or Goods, although the contrary be true.

In what case
the Coroner
may execute.

Be it therefore Enacted by the Authority aforesaid, That from and after the said sixth Day of November, in the Year of our Lord, One thousand seven hundred and seven, where any Sheriff shall on any Realne Process or Execution Return, that the person against whom such Realne, Process or Execution Issues cannot be found, or that he hath not any Goods or Lands, that in such case the party Plaintiff may take out the same, or any other Realne Process or Execution directed to all or any the Coroners of the said County, who shall and may Execute the same without any farther direction or regard to the said Sheriffs, any former Law, Statute or Usage to the contrary notwithstanding. And that thereupon the said Coroner or Coroners is, and are hereby Authorized and Impowered to take Bail for the Appearance of such person or persons taken by him or them on Realne Process, as the Sheriff may or might have done, and shall be liable to an Action in case of any escape of any person in his or their Custody, on such Realne Process or Execution as the Sheriff should have been, if the said Writ had been Executed by him; and that the said Coroner or Coroners shall and may take such fees, and no other, or more, for Execution of the said several Writs, than as is by this Act appointed. And in case the said Coroner or Coroners shall commit any person or persons so taken by them to the County-Goal, the Goaler is hereby Directed and Required to Receive and Detain them.

For Executi-
ous against
Lands and
Tenements,
What Fees
to be taken.

And be it further Enacted by the Authority aforesaid, That from and after the said sixth Day of November, in the Year of our Lord, One thousand seven hundred and seven, where any Sheriff or other Officer or Officers as aforesaid, shall wilfully neglect, delay, or refuse to Execute any such Executions, or to do any part of his Office therein, or shall demand or receive any other fee, Gratification or Reward than as aforesaid, or shall not hold an Enquiry on such Writ of Elegit, Extendi Facias, or Capias Utlagatum within ten days after such Elegit, Extendi Facias, or Capias Utlagatum delivered or tendered to him or them, or shall hold such Enquiry at any place save the Chief Town in the County, or such other place as shall be agreed on between him and the party delivering such Writ to him, or without giving notice in writing eight days before the Execution thereof, to the said party, of the time and place of holding such Enquiry, that such Sheriff, or other Officer in every such case, shall forfeit and answer to the party Grieved, the sum of twenty pounds, or treble damages, at the Election of the Plaintiff, to be Recovered in any of Her Majesty's Courts of Record; And that where any Money is, or shall be received by such Sheriff, or other Officer, on any Execution, the same shall be paid on demand, or within six days after, to the party at whose Suit the said Execution Issues, or to his or her Attorney, or Assigns, after the Return of the said Execution be out: And in case he or they delay, or refuse to do the same, that he or they so delaying or refusing, shall answer and pay to the Plaintiff, or any person by him, her, or them lawfully Authorized, double the sum so levied and received: And if upon any such Enquiry, any Lease for Years shall be found, that before the Sale thereof, the Sheriff or other Officer aforesaid, before whom such Enquiry shall be so held, shall after such Enquiry give notice in writing under his Hand, that such Lease has been found, and therein name the Parties, both Plaintiff and Defendant; and the Debt, Interest and Costs demanded, and the Lands or Tenements found thereby, and affix the said Notice in the most publick Place in the Shire-Town of the County, Town or City wherein such Lease, Hold, Lands and Tenements lie by the space of eight days before any Sale shall be made by such Sheriff or other Officer of such Lease. Provided always, that no more shall be recovered against any Sheriff, Coroner or Marshal of the Four Courts in any Action of Escape to be brought against him or them, than the sum or sums so Certified to be due, with Costs of Court and Damages, for Non-Payment.

Money Re-
ceived by the
Sheriff to be
paid on de-
mand.

C H A P. VIII.

An Act for Explaining and Limiting the Privileges of Parliament.

Whereas by a Statute made in this Kingdom in the Third Year of Edward the Fourth, late King of England and France, and Lord of Ireland, Entituled, An Act whereby the Lords and Commons of the Parliament hath Privilege for certain Days before and after the said Parliament. It is Declared, That no Minister of the said Parliament coming or going to the said Parliament during Forty Days before, and Forty Days after the said Parliament finished, should not be Impleaded, Wered nor Troubled by no mean.

The time of Privilege.

And whereas by one other Act made in the Tenth Year of Charles the First, late King of England, Scotland, France and Ireland, Intituled, An Act for new Executions to be Sued against any which hereafter shall be delivered out of Execution by Privilege of Parliament. It is Recited, That Doubt hath been made, if any person being Arrested in Execution, and by Privilege of either of the Houses of Parliament sett at Liberty, whether the party at whose Suit such Execution was pursued, be for ever after Barred and Disabled to Sue forth a new Execution in that Case;

Therefore it is hereby Enacted, That from thenceforth the party at, or by whose Suit such Writ of Execution was pursued, his Executors or Administrators, after such time as the Privilege of that Session of Parliament in which such Privilege shall be so granted shall cease, may Sue forth, and Execute a new Writ or Writs of Execution in such manner and form as by the Laws of this Realm he might have done, if no such former Execution had been Taken forth, or Served; notwithstanding such latter Statute, great doubts have arisen upon the Words in the said first Recited Act, what shall be understood and meant by the said Words, Viz. After the said Parliament Finished, For Explanation whereof,

Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That for ever hereafter the Privilege of Parliament shall begin Forty Days before the beginning or meeting of every Parliament, and shall continue during the Sitting or Adjourning of this, or any other Parliament, and Forty Days after the Prorogation or Dissolution of this present, and every other Parliament.

And be it further Enacted, That where any Plaintiff shall, by reason of Privilege of Parliament, be stayed, or prevented from prosecuting any Suit by him Commenced, such Plaintiff shall not be Barred by any Statute of Limitation, nor shall his Suit be discontinued for want of prosecution; but every such Plaintiff shall be at Liberty from time to time immediately after the Rising of the Parliament, to proceed to Judgment and Execution, as if such Plaintiff had not been hindered from prosecuting his respective Suit, by reason of Privilege of Parliament.

And be it further Enacted, That from and after the end of this present Session of Parliament, it shall and may be Lawful to and for all and every person and persons during the continuance of Privilege of Parliament, as the same is hereby before Declared to distrain the Goods and Chattels of any Peer, Lord of Parliament, or Member of the House of Commons, for the Arrears of any Rent, Duty or Service now Owning, or which shall become hereafter Due to any such person or persons, and to Dispose of such Distress or Distresses in like manner, as if the Goods and Chattels so Distrained, did not belong to any Member of either House of Parliament, any Privilege of Parliament, or any former Law, Statute or Usage, to the contrary notwithstanding.

Goods may be Distrained during Privilege.

And be it further Enacted and Declared by the Authority aforesaid, That no Peer, Lord of Parliament, or Member of the House of Commons, who is or shall be a Trustee, Guardian, Executor or Administrator, hath, or shall have any Benefit of Privilege of Parliament, in any Action or Suit which shall be Commenced or Prosecuted against him or them, as Trustee, Guardian, Executor or Administrator, in any Court of Law or Equity, or in any Ecclesiastical or other Court whatsoever, any Statute, Law, Custom or Usage, to the contrary notwithstanding.

No Trustee to have any Privilege in that case.

And be it further Enacted, That no Action, Suit, Process, Order, Judgment, Decree, or Proceeding in Law or Equity against any Original and immediate Debtor

Debtor to the Queen's Majesty, Her Heirs or Successors, for the Recovery or Obtaining of any Debt or Duty Originally and immediately Due or Payable to Her Majesty, Her Heirs or Successors, or against any Accomptant or person Answerable or Liable to render any Account unto Her Majesty, Her Heirs or Successors, or any part or branch of Her or Their Revenues, or for any other Original or Immediate Debt or Duty, nor the Execution of any such Process, Order, Judgment, Decree or Proceeding, shall be Impaired, Stopped or Delayed, by or under Colour or pretence of any Priviledge of Parliament; yet so nevertheless, that the person of any such Debtor, or Accomptant, or person Answerable or Liable to Account, being a Peer of this Realm, or Lord of Parliament, shall not be liable to be Arrested or Imprisoned by, or upon any such Action, Suit, Process, Order, Judgment, Decree, or Proceedings in Law or Equity, or being a Member of the House of Commons, shall not, during the continuance of the Priviledge of Parliament, as the same is herein before Limited, be Arrested or Imprisoned, by or upon such Action, Suit, Process, Order, Judgment, Decree or Proceedings.

C H A P. IX.

An Act for the Encouragement and Improvement of the Hempen and Flaxen Manufacture.

Inasmuch as the Flaxen and Hempen Manufactures are, almost, the only Branch of Trade (which this Kingdom hath left, wherein to Employ the Hands of the Poor Inhabitants thereof) the same ought to be duly Promoted and Encouraged.

Premium for
Hemp-seed
Imported.

And whereas also the Importation of good sound, Foreign Hemp-seed into this Kingdom, at easy and reasonable Rates, will much conduce to the Improving of the Hempen Manufacture; Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That whosoever shall Import, or cause to be Imported into this Kingdom, any good and sound Hemp-seed, of the Growth of Russia, Germany, the Netherlands, and the East-Country, within the space of Nine Years next after the Twenty Fourth Day of December, One thousand seven hundred and seven, shall receive for every Hoghead of such Hemp-seed, as a Premium, The Sum of five Shillings Sterl. to be paid by such Officer or Officers, and in such manner as Drawbacks are usually paid.

Proviso.

Provided, That during the said Term of Nine Years, every Merchant who shall Export any Hemp-seed, shall for every Hoghead, so Exported, pay five Shillings Custom to the Queen, Her Heirs and Successors, unless Oath be made before the Sub Commissioners or Officer of the Port that the same (to the best of the Knowledge, or Belief of the person making such Oath) was of the Growth of this Kingdom.

Premium for
Sail-Cloth.

Be it likewise Enacted by the Authority aforesaid, That for the better encouraging and making good Sail-Cloth in this Kingdom, the Exporters of such Sail-Cloth well and sufficiently made (to any Parts beyond the Seas at any time within the space of Nine Years, next after the said Twenty Fourth Day of December, in the Year of our Lord, One thousand seven hundred and seven) shall receive, as a Premium, for every Yard of Top-Sail Canvas made of sound and good Hemp, of Ten Pence per Yard value, and under Fourteen Pence so Exported, the Sum of One Penny, and for every Yard of Sail-Canvas, made in Imitation of Holland-Duck, of the value of Fourteen Pence per Yard, and upwards, so Exported, the Sum of two Pence Sterl. to be paid by such Officer or Officers (the Exporter of the Cloth making Oath, that the said Cloth is made of Hemp, as aforesaid, of the Growth of this Kingdom) in such manner as Drawbacks are usually paid.

And for ascertaining the Value of such Cloth, the Commissioners in the Port of Dublin, and the Principal Officers of the Custom-House in all other the Ports, or any two of them, whereof the Collector for the time being to be one, shall have Power to choose two Indifferent Merchants (experienced in the Value of such Linnen Cloth to be Exported) who upon viewing of the said Linnen Cloth, shall Certifie and declare upon their Corporal Oaths, first Administred by the said Commissioners, or Officers, what the respective Values of such Cloth to be Exported are; and if such Merchants shall Certifie the Values of such Cloth to be Exported, to be as aforesaid, then, and in such Case, such Allowance and Payment of the Premium shall be made as aforesaid.

And

And forasmuch as Pot-Ashes and other Materials for Bleaching of Linnen, and for Making of Soap, are at present very Scarce and Dear, and the making of Ashes of Sea-wreck commonly called Kelp, in Places lying on the Sea-shore, will be very necessary and of great Use and Benefit to the whole Kingdom in Bleaching of Linnen; Be it further Enacted, That from and after the said Twenty Fourth Day of December, One thousand seven hundred and seven, during the Space of Five Years, from thence next ensuing, every person and persons who shall make or cause to be made any Kelp of Sea-wreck, in any County of this Kingdom, shall and may, have and receive, as an Incouragement or Reward, for making the same, the Sum of Two Shillings Six Pence Sterl. for every Tun of Kelp so made within such County; and so ratably and proportionably for a greater or lesser Quantity.

And for the certain Payment thereof accordingly; Be it further Enacted by the Authority aforesaid, That the Grand-Jury, or Grand-Juries at any the General-Asizes, which shall be held for any County where Kelp shall be made, shall be, and are hereby impowred and required to Applot the said Sum of Two Shillings and Six Pence per Tun, and so ratably to be Paid as a Reward and Incouragement for making such Kelp as aforesaid, upon the Inhabitants of the said County, in such Method and Manner as other Publick Taxes of such County are usually Applotted, due Proof on Oath, being first made to the Satisfaction of such Grand-Jury, of the Quantity of Kelp so made, or caused to be made, and which before that time had not been Paid for, which Oath the Justices of Assize, at the Assizes, are hereby Authorized or Required to Administer, in order to the said Juries examining the Partter, as in like Cases is usual, whereupon the Court, where such Applotment shall be made, shall make their Order for levying thereof accordingly in such manner as other publick Charges are levyed; and that when the Money so Applotted shall be Levyed, the same shall be paid to such person or persons as hath made, or caused to be made such Kelp, as aforesaid, without Fee or Reward for the same.

To be Levied
by Grands
Jury.

And whereas the excessive Fees taken by the Officers of the Customs, on the Exportation of Linnen Cloth, bought by Seamen and others for their Own or Families Use, is a Discouragement to the said Linnen Manufacture; Be it therefore further Enacted by the Authority aforesaid, That from and after the Twenty Fourth Day of December, One thousand seven hundred and seven, there shall be paid to all or any of the Patentee-Officers, or any other Officer or Officers of Her Majesty's Customs or Revenue, their Clerks or Servants for Fees, or upon any Pretence, or for any Cause whatsoever, for any one Entry of Linnen Cloth that shall be Exported, or Entred to be Exported, containing less then Fifty Eight Pieces, one Penny for each Piece and no more; and for any one Entry containing Fifty Eight Pieces, or upwards, the Sum of Four Shillings and Ten Pence, and no more, nor more than Six pence for any Certificate of such Parcels, being of the Growth and Manufacture of this Kingdom; and in case any Officer or Officers shall demand or receive any greater Fee then as aforesaid, contrary to this Act, he or they, so Offending, and being duly Convicted thereof, shall Ipso facto, forfeit his and their Employment and Employments, and be incapable, ever afterwards, of Having or Enjoying any Office or Employment in the Revenue in this Kingdom, Information on Oath being first given thereof within the Space of Fourteen Days after the Offence committed, to some one of Her Majesty's Justices of the Peace, for the County or City where such Offence shall be committed.

Custom-
house Fees.

Be it further Enacted by the Authority aforesaid, That the several Houses of Correction in every County of this Kingdom, shall before the Twenty Ninth Day of September, One thousand seven hundred and eight, be sufficiently Enlarged with all Conveniences for Dressing and Preparing of Hemp and Flax at the Charge of each County, respectively: and when every such House of Correction shall be so Enlarged, the same shall be also used as, and called the House of Correction and Work-house, for the Preparing and Dressing of Hemp and Flax.

Houses of
Correction.

And for the better Governing of the said Work-house, Be it further Enacted, That the Grand-Jury (for every respective County within this Kingdom at the Summer Assizes to be held yearly for every such County) may be, and hereby are Required and Impowred to Name and Choose fit and proper persons (not exceeding Three in Number) to be Overseers of such Work-house, within the County such Grand-Jury shall Represent for the Space of one year, from the said Twenty Ninth Day of September, One thousand seven hundred and eight, and so Annually: and that no person whatsoever shall be Keeper or Master of any the said Houses of Correction.

Overseers.

or Work-houses, but such persons as shall be knowing and well skilled as well in Sowing Hemp and Flax-seed, as in Dressing and Preparing Hemp and Flax for Spinning: And that such Master or Keeper may be placed in such Place or Office by such Overseers, as also Removed by them, for any Fault or Misdemeanour from time to time, as to them shall seem meet; and that the Presentments in that behalf shall be made to the Judge or Judges of Assize, in the like manner as other Presentments are usually made; and that before such Keeper or Master shall be admitted into such Place or Office, he shall give sufficient Security to the Overseers, so Elected, for the due performance of his Office yearly; to be from time to time approved of, and allowed by the Overseers of the said Work-house for the time being.

To Sow Hemp
and Flax.

And be it further Enacted, That such Keeper or Master for the time being, as part of his Duty in his said Place or Office, may be obliged to Sow, or cause to be Sowed yearly, at least Two Acres Plantation Measure, of proper and fit Land, with Hemp or Flax-seed: And also that such Master or Keeper of every of the said Work-houses, for the time being, shall take such Apprentices from time to time, and for Term not exceeding Three Years, as the said Overseers, for the time being, shall think fit and appoint to be Educated in, and Employed in well Ordering and Preparing Hemp and Flax, or one of them, and such Apprentices, are to continue in the same Service with the Master or Keeper of the said Work-house, for the time being, under the Covenants and Agreements, and during the Term that in their respective Indentures of Apprenticeship, shall be mentioned and contained: And that no such Master or Keeper, shall be Goaler or Keeper of any Prison, or use any Trade or Calling, during the time he shall be, or continue Master or Keeper of any of the said Houses of Correction and Work-houses, other than what appertain to the Preparing and well Ordering of Hemp and Flax, and for the Enabling and Encouraging every such Master or Keeper to perform his Duty in his said Place or Office, of Keeper or Master.

Salary to the
Master.

Be it further Enacted by the Authority aforesaid, That the several Sums of Money, hereafter next Mentioned, shall be paid to every such Master or Keeper, for the time being, by the Overseers for the time being, to be appointed as aforesaid; (that is to say) the Sum of Twenty Pounds Sterl. for the first Year, next ensuing the Twenty Ninth Day of September, One thousand seven hundred and eight, whereof the said Master or Keeper is hereby appointed and required to lay out and Employ the Sum of Ten Pounds Sterl. in Hemp-seed and Flax-seed, or in one of them; and in preparing Ground for Sowing such Seed, according to the Intent and Meaning of this Act: And also the Sum of Ten Pounds Sterl. for every Year after the end of the said first Year, until the end of Six Years from thence next ensuing. And the Keeper or Master of every such Work-house for the time being (as a further Encouragement to behave himself well in his said Place or Office) shall have free liberty of selling and disposing of all Flax and Hemp, that shall be Dressed and Prepared in such Work-house, whereof he is Master or Keeper, during the time he shall be Master or Keeper thereof, to his own Use and Advantage, the said Master or Keeper finding and providing, at his own Cost, the Hemp and Flax that shall be from time to time there so Dressed and Prepared.

Spinning-
Schools.

And that a Spinning-School, or a School for teaching to Spin Flax and Hemp, or one of them, shall be kept and taught in every Town or Place where any such Work-house, as herein is Mentioned, shall be under the Conduct and Inspection of some fit person duly qualified to Instruct Children in the Art of Spinning Hemp and Flax, or one of them, which person for teaching such School, shall be nominated and appointed by the Overseers respectively, of every such Work-house for the time being, together with the number of Children as they shall think fit and convenient to be Taught and Instructed in the Art of Spinning in every such School; and that every such person so employed in teaching to Spin, shall be obliged by the said Overseers, and are hereby required to teach no less than Twenty at one time, in the said Art of Spinning, as aforesaid, in case so many shall be offered to learn the same; and to do the same Gratis, without Fee or Reward. And that for the Enabling and Encouraging such persons who shall teach to Spin, in every such Spinning-School and doing their Duty, the said Place or Office, the several Sums of Money hereafter next mentioned, shall be paid to every such person as shall, for the time being, teach such School, by the Overseers for the time being (that is to say) the Sum of Ten Pounds Sterl. for the first Year next ensuing the Twenty Ninth Day of September, One thousand seven hundred and eight, whereof the said person

so teaching, every such School, is hereby appointed and required to lay out and employ the Sum of Five Pounds Sterl. in Spinning Wheels and Reels, to be employed in every such School, which the Overseers are hereby directed and required to see duly laid out, and the remaining five pounds to be for the proper Use of such person as shall teach such Spinning-School; and also the Sum of Six pounds Sterl. for every Year after the end of the said first Year during the space of Six Years, from thence next ensuing, and that the said person keeping every such School for the time being, as a further Encouragement to do her Duty, and behave herself well in her said Place of teaching such School to Spin, shall, and may, have free and full liberty of Selling and Disposing of all Yarn of Flax and Hemp, and either of them, to her own Advantage and Use, that shall be Spun in such School respectively, the said person teaching such School at her own Cost, providing and finding such Flax and Hemp that shall be so Spun there; and that the said first Payment to be made to the Teacher of the School to Spin; and the said first Payment to be made to the Master or Keeper of the said Work-house, shall be paid on the Twenty fifth Day of September, One thousand seven hundred and eight, the better to enable them to do their respective Duties in their several Places respectively. And that every such Work-house and Spinning-school shall be under the Government and Direction of the said Overseers to be from time to time named and Chosen yearly as aforesaid; and that such Overseers shall have power to rectify and amend all Disorders that shall happen to be, or arise, in every such Work-house and Spinning-school, or either of them, according to their Reason and Discretion, whereof they are to make Report, and give an account yearly to the Grand-Jury of that County, where such Work-house or Spinning-school shall be, at the Summer Assizes that shall be held for such County.

And whereas the Allowances for the Support of the Masters of the Work-houses, and Mistresses of the Spinning-schools, in each County as aforesaid, for the space of Seven Years, commencing from the Twenty fifth Day of September, One thousand seven hundred and eight, will amount to the Sums following, (viz.) For the first Year Thirty Two Masters, at Twenty Pounds each, Six hundred and forty Pounds: Thirty Two Mistresses, at Ten Pounds each, Three hundred and twenty Pounds: Total for the first Year, Nine hundred and sixty Pounds: For the Second Year, Thirty Two Masters, at Ten Pounds each, Three hundred and twenty Pounds: Thirty Two Mistresses, at Six Pounds each, One hundred and ninety two Pounds: Total for the Second Year, Five hundred and twelve Pounds; for five Years more, at Five hundred and twelve Pounds, Two thousand five hundred and sixty Pounds: Total for seven Years, Three thousand thirty two Pounds.

Be it further Enacted by the Authority aforesaid, That the said Sum of Nine hundred and sixty Pounds, for the first Year, may be paid in manner following, (that is to say) That the Collector of Her Majesty's Revenue for such District, where such House shall be, do pay the Sum of thirty Pounds to such Persons as the Grand-Jury of such County shall appoint, or their Order, at their Summer Assizes, to be Overseers of the said Work-house and Spinning-school of that County, to be by them paid over for the Uses aforesaid, for the defraying the Charges of the first Year: And for every succeeding Year of the seven Years, aforesaid, that each Collector do pay over to such Persons as aforesaid, or their Order, the Sum of Sixteen Pounds: which said several Sums, so paid by such Collectors, shall be allowed in their Accounts of Contingences.

And whereas by an Act of Parliament made in this Kingdom, in the Second Year of Her present Majesty's Reign, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom. It is Enacted, That no person or persons, whatsoever, shall expose to Sale any Linnen-Yarn made in this Kingdom, other then in Hanks or Dozens, each Hank or Dozen to consist of Twelve Cuts and no more; and each Cut to contain One hundred and twenty Threads, and no more.

Now for the more easie Discovering any Abuse in the number of Threads, so to be Reeling of made up, Be it further Enacted, That every Cut of One hundred and twenty Threads, be sub-divided into six Loops, and that every Loop shall contain Twenty Threads.

And for the better Regulating of Journeyman-Weavers, Be it further Enacted, That no Master-Weaver or other Person, may, or shall, presume to entertain any Journeyman Linnen-Weaver, inhabiting in this Kingdom, in any Employment as a Linnen-Weaver, unless such Journeyman-Weaver shall first produce, to the Master or Person about to Hire him, a Certificate in Writing, under the Hand of the Master

Allowance to
Masters of
Work-houses.

Paid to the
Collector.

Journeyman-
Weavers.

After he last served in this Kingdom, of such Journeyman's being Discharged from his former Master's Service, by Consent of such Master: And if any Master, without just Cause, shall refuse to give such Certificate, upon Complaint made thereof, by such Journeyman, to a Justice of the Peace of the County, or chief Magistrate in any Corporate Town where such Master Inhabits, who shall send to the Master, and require from him, the Reason why such Journeyman is refused such Discharge and Certificate of his Behaviour; and in case the Justice of the Peace, or chief Magistrate, shall find that the Cause of the Refusal of such Certificate was not sufficient, in every such case the said Justice of the Peace, or chief Magistrate, may, and is hereby required to give a Certificate of such causeless Refusal, which Certificate, by the said Justice of the Peace, or chief Magistrate, shall be as effectual, as if a Certificate had been given by such Master, and shall be given without Fee or Reward; and shall Discharge such Journeyman as fully to all Intents and Purposes: And that any Journeyman Counterfeiting or Producing a Counterfeited Certificate under the Hand of any Master or Justice of the Peace, or chief Magistrate, shall be committed to the House of Correction, and there kept, for the space of Six Months, to hard Labour. And if any Master shall take into his Service any Journeyman, who has been in any former Service, without such Certificate from the former Master, in whose Service such Journeyman last was, or of such Justice or chief Magistrate, every such Master, receiving such Journeyman as aforesaid into his Service as aforesaid, being thereof lawfully Convicted at the Quarter Sessions of the Peace held for the County or Place where such Offence shall be committed, shall forfeit the Sum of Forty Shillings, to be levied by Distress and Sale of the Offenders Goods, by Warrant from such Quarter-Sessions of the Peace, rendering to the party the Overplus, one Moiety of every such Forfeiture to be to the Queen's Majesty, Her Heirs and Successors, and the other Moiety to the Informer, who shall Discover and make Out the same.

And forasmuch as several Persons have Bought, and do actually Buy up great Quantities of Linnen-Yarn, without regard to its being made up, as by the above mentioned Act is prescribed and appointed; and have Sold and do usually Sell the same again in Packs, and great Parcels to Merchants and others, who Export the same (tho' not made up according to the said recited Act) into divers Countries beyond the Seas, to the great discredit of the Linnen-Yarn of this Kingdom; for the better preventing and discovering of the Defects of such Yarn in the making up thereof, and for preventing of any Combination that may be between the Makers and Buyers of the said Yarn, that shall be so exposed to Sale, as to the Defaults thereof, in its not being made up according to the said former Act, and this present Act.

Seizure of
Linnen-Yarn.

Be it Enacted, That if any Linnen-Yarn, that shall be so exposed to Sale, shall be found not to be made up according to the said former Act, before this Act shall be in force, and according to the said former Act and this present Act, after this Act shall be in force; or if any Linnen-Cloth made in this Kingdom to be exposed to Sale, shall not be made according to the Intent and Meaning of this, and the said former Act, that then as often as it shall so happen, any person or persons that shall make such Discovery, of any such Faults, in making such Linnen-Yarn, or in the making such Linnen-Cloth, may Take and Seize the same to the Intent that such Linnen-Yarn, or Cloth so Seized, may be carried before the next Justice of the Peace of the County, or chief Magistrate of any City or Town, where such Seizure shall be made, who is hereby Impowered and Required to Hear, Examine, and Determine the said Matter: And if such Justice of the Peace, or chief Magistrate, shall upon Examination on Oath view, or Confession of the Offender, or good Evidence, find such Yarn or Linnen-Cloth to be so faulty and Insufficient, and so shall declare and Adjudge the same, by writing under his Hand and Seal, for which he shall take no Fee, that then the same shall be forfeited, and the Property thereof shall be, and is hereby Vested in the Informer, to all Intents and Purposes: But in case such Yarn or Cloth shall be found by and before such Justice of the Peace or chief Magistrate, to be sufficiently made according to Law, in that Case, Provided such Yarn or Cloth so Seized, shall be restored to the Owner; and the person or persons so Informing and Seizing the same, shall forfeit to the Owner of such Cloth or Yarn, Treble the Damage by him sustained by such Seizure, to be Adjudged by such Justice of the Peace, or chief Magistrate; and in Default of paying of such Treble Damages, such Justice of the Peace, or chief Magistrate, is hereby Impowered and Required to Commit such Informer to Goal, there to remain without Bail or Painsprize, until he shall pay and satisfy the same.

And

And whereas by the said Act, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures of this Kingdom, It was Enacted, That no Toll should be paid for any Linnen-Cloth, Linnen-Yarn, or for Hemp or Flax-Sold in any Market or Fair, or for the Passage of them, or any of them over any Bridge, or through any Town, or other place whatsoever, which Clause for want of a Penalty inflicted on those that should take or exact such Toll, contrary to the said Act, has not had its due effect.

Be it further Enacted, That whosoever shall demand, exact, or take any Toll, or Customs, for any Linnen-Cloth, or any Yarn made of Hemp, or Flax, or Sail-Cloth, or Canvas made in this Kingdom, or for any Hemp, or Flax, shall forfeit the Sum of Ten Pounds, for every such Offence, to be recovered by such person or persons who shall sue for the same, in a Summary way before the Judge of Assize, in the County where the Offence is committed, in such manner as Debts are recoverable before them.

C H A P. X.

An Act for the Amendment of the Law, and the better Advancement of Justice.

For the Amendment of the Law in several particulars, and for the easier, speedier, and better Advancement of Justice.

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of Michaelmas Term, which shall be in the Year of our Lord, One thousand seven hundred and seven, where any Demurrer shall be Joined, and Entred in any Action or Suit in any Court of Record within this Realm, the Judges shall proceed, and give Judgment according as the very right of the cause and matter in Law shall appear unto them, without regarding any Imperfection, Omission, or Defect in any Writ, Return, Pleint, Declaration, or other Pleading, Process, or course of Proceeding whatsoever, except those only which the party demurring shall specially and particularly set down, and express, together with his Demurrer, as causes of the same; notwithstanding that such Imperfection, Omission or Defect might have heretofore been taken to be matter of substance, and not aided by the Statute made in the Tenth Year of King Charles the first, Entituled, An Act for Expedition of Justice, in Cases of Demurrers, &c. So as sufficient matter appear in the said Pleadings, upon which the Court may give Judgment according to the very right of the cause.

Actions of Accounts may be maintained.

Where Demurrer joyn-ed.

And therefore from and after the said first Day of Michaelmas Term, no advantage or exception shall be taken of or for any immaterial Traverse, or of or for the default of Entering Pledges upon any Bill, or Declaration, or of or for the default of alledging the bringing into Court any Bond, Bill, Indenture, or other Deed whatsoever, mentioned in the Declaration or other Pleadings; or of or for the default of alledging of the bringing into Court Letters Testamentary, or Letters of Administration, or of or for the Omission of (Vi & armis, & Contra Pacem) or either of them; or of, or for the want or Abatement of (Hoc paratus est verificare, or Hoc paratus est verificare per Recordum: or of, or for not alledging Pro ut Patet per Recordum:) But the Court shall give Judgment according to the very right of the cause as aforesaid, without regarding any such imperfections, omissions and defects, or any other matter of the like nature, except the same shall be specially and particularly set down, and shewn for cause of Demurrer.

No advantage to be taken for any immaterial Traverse or Default of Entering Pledges, &c.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term, all the Statutes of Jeofailes shall be extended to Judgments, which shall at any time afterwards be Entred upon Confession (Nihil dicit, or Non sum Informatus) in any Court of Record; And no such Judgment shall be Reversed, nor any Judgment upon any Writ of Enquiry of Damages Executed thereon, be Stayed or Reversed, for or by reason of any imperfection, omission, defect, matter or thing whatsoever, which would have been aided or cured by any the said Statutes of Jeofailes, in case a Verdict of Twelve Men had been given in the said Action or Suit, so as there be an Original Writ, Bill, or Declaration and Warrants of Attorney duly filed, according to the Law as is now used.

All Statutes of Jeofailes extended to Judgments; &c.

Provided the
Attorney for
the Plaintiff
or Defendant
File his War-
rant of Attor-
ney.

Provided always, and be it Enacted by the Authority aforesaid, That the Attorney for the Plaintiff or Demandant in any Action or Suit, shall file his Warrant of Attorney with the proper Officer of the Court where the cause is depending, the same Term he Declares, and the Attorney for the Defendant or Tenant shall file his Warrant of Attorney as aforesaid, the same Term he appears under the penalties inflicted on Attorneys by any former Law, for default of filing their Warrants of Attorney.

Replevin, &c.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term, it shall and may be lawful for any Defendant or Tenant in any Action, or Suit, or for any Plaintiff in Replevin in any Court of Record, with the leave of the same Court, to Plead as many several matters thereto, as he shall think necessary for his Defence.

In case a De-
murrer be
found insuffi-
cient.

Provided nevertheless, That if any such Matter shall upon a Demurrer joined, be Judged insufficient, costs shall be given at the discretion of the Court, or if a Verdict shall be found upon any Issue in the said cause for the Plaintiff or Demandant, costs shall be also given in like manner, unless the Judge who Tried the said Issue, shall certify that the said Defendant or Tenant, or Plaintiff in Replevin, had a probable cause to Plead such Matter, upon which the said Issue shall be found against him.

Delays in
Challenges of
Arrays of Pe-
nals of Jurors,
&c.

And whereas great Delays do frequently happen in Tryals, by reason of Challenges to the Arrays of Penals of Jurors, and to the Polls for default of Undersors; For prevention thereof for the future;

Be it Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term, every Venire Facias for the Trial of any Issue in any Action or Suit in Her Majesty's Court of Queen's Bench, Common-Pleas, or Exchequer at Dublin, shall be awarded of the Body of the proper County where such Issue is Tryable.

No Appeals
for Felony,
Treason or
Murther.

Provided always, and be it further Enacted by the Authority aforesaid, That nothing in this Act before contained, shall extend to any Writ, Declaration, or Suit of Appeal of Felony, or Murther, or to any Indictment, or Presentment of Treason, Felony, or Murther, or other Matter; or to any Process upon any of them, or to any Writ, Bill, Declaration, Action, or Information upon any Penal Statute.

Actions in
Tipperary,
&c.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term, in any Action brought in any of Her Majesty's Four-Courts at Dublin, or in the County Palatine of Tipperary, where it shall appear to the Court in which such Actions are depending, that it will be proper and necessary that the Jurors who are to Try the Issues in any such Actions, should have the view of the Messuages, Lands or Place in question, in order to their better understanding the Evidence that will be given upon the Tryals of such Issues, in every such case the respective Courts in which such Actions shall be depending, may order special Writs of Distringas, or Habeas Corpora, to Issue, by which the Sheriff, or such other Officer to whom the said Writs shall be directed, shall be commanded to have six out of the first Twelve of the Jurors named in such Writs, or some greater number of them at the place in question, some convenient time before the Tryal, who then and there shall have the Matters in question shewn to them by two persons in the said Writs, named to be appointed by the Court, and the said Sheriff, or other Officer who is to Execute the said Writs, shall by a special Return upon the same, Certifie, That the view hath been according to the command of the said Writs.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of Michaelmas Term, all Grants or Conveyances thereafter to be made by Fine or otherwise, of any Manors or Rents, or of the Reversion or Remainder of any Messuages or Lands, shall be good and effectual to all intents and purposes, without any Attornment of the Tenants of any such Manors, or of the Land out of which the Rent shall be issuing, or of the particular Tenants upon whose particular Estates any such Reversion or Remainder shall or may be Expectant or Depending, as if their Attornment had been had and made.

Provided nevertheless, That no such Tenant shall be prejudiced or damaged by payment of any Rent to any such Grantor or Conusor, or by breach of any condition for Non-payment of Rent before Notice shall be given to him of such Grant by the Conusor or Grantee; And,

Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, no Dilatory Plea shall be received in any Court of Record, unless the party offering such Plea, do by Affidavit prove the truth thereof, or shew some probable Matter to the Court to induce them to believe that the Fact of such Dilatory Plea is true; And,

No dilatory Plea to be received in any Court of Record, &c.

Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, where any Action of Debt shall be brought upon any single Bill, or where any Action of Debt, or Scire Facias shall be brought upon Judgment, if the Defendant hath paid the Money due upon such Bill or Judgment, such payment shall and may be Pleaded in Bar of any such Action or Suit; and where an Action of Debt is brought upon any Bond which hath a Condition of Defeazance to make void the same, upon payment of a lesser Sum at a Day or Place certain, if the Obligor, his Heirs, Executors or Administrators, have before the Action brought, paid to the Oblige, his Executors or Administrators, the Principal and Interest due by the Defeazance or Condition of such Bond, though such payment was not made strictly, according to the Condition of Defeazance, yet it shall and may nevertheless be Pleaded in Bar of such Action, and shall be as effectual Bar thereof, as if the Money had been paid at the Day and Place, according to the Condition of Defeazance, and had been so Pleaded; And,

A pending Action where there is a Condition or Defeazance to make void the same. &c.

Be it further Enacted by the Authority aforesaid, That if at any time Pending an Action upon any such Bond with a Penalty, the Defendant shall bring into the Court where the Action shall be depending, all the principal Money and Interest due on such Bond, and also all such Costs as have been Expended in any Suit or Suits in Law or Equity upon such Bond; the said Money so brought in, shall be deemed and taken to be in full satisfaction and discharge of the said Bond, and the Court shall and may give Judgment to Discharge every such Defendant of and from the same accordingly.

Upon what pending Action, and the Conditions the Court may give Judgment of Discharge.

And whereas by an Act of Parliament made in the Seventh Year of King William the Third, Intituled, An Act for prevention of Frauds and Perjuries; It is Enacted, That no Noncupative Will shall be good where the Estate thereby Bequeathed, shall exceed the Value of Thirty Pounds, that is not proved by the Oaths of Three Witnesses at the least, that were present at the making thereof.

The proof of a Noncupative Will.

Be it Enacted and Declared by the Authority aforesaid, That all such Witnesses as are and ought to be allowed to be good Witnesses upon Oaths at Law, by the Laws and Customs of this Realm, shall be deemed good Witnesses to prove any Noncupative Will, or any thing relating thereunto.

And whereas it hath been doubted, whether since the making the said last mentioned Act of Parliament, the Declarations or Creations of Uses, Trusts, or Confidence of any Fines or common Recoveries manifested by Deed, made after the levying or suffering of such Fines or Recoveries, are good and effectual in Law.

Be it further Enacted and Declared by the Authority aforesaid, That all Declarations or Creations of Uses, Trusts or Confidences of any Fines, or common Recoveries of any Lands, Tenements or Hereditaments, manifested and proved, or which hereafter shall be manifested and proved by any Deed already made, or hereafter to be made by the parties who is by Law enabled to Declare such Uses or Trusts after the levying or suffering of any such Fines or Recoveries, are and shall be as good and effectual in the Law, as if the said last mentioned Act had not been made.

Declarations or Creations of Uses, Trusts, &c.

And, Be it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, no Claim or Entry to be made of or upon any Lands, Tenements or Hereditaments, shall be of any Force or Effect to avoid any Fine Levied or to be Levied with Proclamations, according to the form of the Statute in that case made and provided in the Queen's Court of Common-Pleas at Dublin, or in the Court of the County Palatine of Tipperary, of any Lands, Tenements or Hereditaments, or shall be a sufficient Entry or Claim within the Statute made in the Tenth Year of King Charles the First, Entituled, An Act for Limitations of Actions, and for avoiding Suits in Law, unless upon such Entry or Claim, an Action shall be commenced within one Year next after the making such Entry or Claim, and Prosecuted with effect. And,

No Claim or Entry shall avoid any Fine Levied.

Be it further Enacted by the Authority aforesaid, That if any person or persons against whom there shall be any cause of Action, or Trespass Detinue, Trover or Replevin for taking away Goods or Chattels, or of Action of Account, or upon the Case, or of Debt grounded upon any Lending or Contract, without speciality

Actions if the person be beyond the Seas, &c.

ciality of Debt for Arrearages of Rent, or Assault, Menace, Battery, Wounding and Imprisonment, or any of them be, or shall be at the time of any such Cause of Suit or Action given or accrued, fallen or come beyond the Seas, that then such person or persons, who is or shall be Entitled to any such Suit or Action, shall be at liberty to bring the said Actions against such person and persons after their return from beyond the Seas, so as they take the same after their return from beyond the Seas within such times as are respectively limited for the bringing of the said Actions by the last mentioned Act; And,

Bail Bonds
taken by Sheriffs.

We it further Enacted by the Authority aforesaid, That if any person or persons shall be Arrested from and after the said First Day of Michaelmas Term, by any Writ, Bill or Process Issuing out of any of Her Majesty's Four-Courts at Dublin, at the Suit of any common person, and the Sheriff or other Officer taketh Bail from such person against whom such Writ, Bill or Process is taken out, the Sheriff or other Officer at the request and cost of the Plaintiff, in such Action or Suit, or his lawful Attorney, shall Assign to the Plaintiff in such Action, the Bail Bond, or other Security taken from such Bail, by Indorsing the same, and Attesting it under his Hand and Seal, in the presence of two or more credible Witnesses, and if the said Bail, Bond or Assignment, or other Security taken for Bail be forfeited, the Plaintiff in such Action, after such Assignment made, may bring an Action and Suit thereupon in his own Name, and the Court where the Action is brought, may by Rule, or Rules of the same Court, give such Relief to the Plaintiff and Defendant in the Original Action, and to the Bail upon the said Bond, or other Security taken from such Bail as is agreeable to Justice and Reason, and that such Rule or Rules of the said Court, shall have the Nature and Effect of a Deforcance to such Bail, Bond, or other Security for Bail: And,

Warranties
in Reversion,
or Collateral
Warranties,
&c.

We it further Enacted by the Authority aforesaid, That all Warranties which shall be made after the First Day of Michaelmas Term by any Tenant for Life of any Lands, Tenements or Hereditaments, the same descending or coming to any person in reversion or remainder, shall be void and of none effect; and likewise all Collateral Warranties which shall be made after the said First Day of Michaelmas Term, of any Lands, Tenements or Hereditaments, by any Ancestor who has no Estate of Inheritance in Possession in the same, shall be void against his Heir: And,

Subpœna's.

We it further Enacted by the Authority aforesaid, That no Subpœna, or any other Process for appearance, do Issue out of any Court of Equity, till after the Bill is filed with the proper Officer in the respective Courts of Equity, except in cases of Bills for Injunctions to quiet Possessions, to stay Writs, or stay Suits at Law commenced, and a Certificate thereof brought to the proper Officer, who usually makes out Subpœna's or other Process in the several Courts of Equity, under the Hand of the Officer respectively for each respective Court, who usually files Bills in Equity, for which Certificate he shall receive no Fee. And,

Jeofailles.

We it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, this Act, and all the Statutes of Jeofailles, shall extend to all Suits in any of Her Majesty's Four-Courts at Dublin, for recovery of or any Debt immediately owing, or any Revenue belonging to Her Majesty, Her Heirs or Successors, and shall also extend to all Courts of Record in the County Palatine of Tipperary, and to all other Courts of Record within this Kingdom; And for preventing great Vexation from suing out defective Writs of Error;

Quashing of
Writs of Er-
ror.

We it Enacted by the Authority aforesaid, That upon the quashing any Writ of Error to be sued out after the First Day of Michaelmas Term, for Variance from the Original Record, or other Defect, the Defendants in such Error shall Recover against the Plaintiff or Plaintiffs issuing out such Writs, his costs as he should have had, if the Judgment had been affirmed, and to be recovered in the same manner. And,

Actions of
Accounts.

We it further Enacted by the Authority aforesaid, That from and after the said First Day of Michaelmas Term, Actions of Account shall and may be brought and maintained against the Executors and Administrators of every Guardian, Bayliff and Receiver, and also by one Joint Tenant, and Tenant in common, his Executors and Administrators against the other, as Bayliff, for receiving more than comes to his just share and proportion, and against the Executors and Administrators of such Joint Tenant or Tenant in common, and the Auditors appointed by the Court where such Action shall be depending, shall be, and are hereby Impowered to Administer an Oath, and to Examine the parties touching the matters in question, and

for their pains and trouble in Auditing and Taking such Account, have such allowance as the Court shall Adjudge to be reasonable to be paid by the party on whose side the Ballance of the Account shall appear to be.

C H A P. IX.

An Act for Explaining and Amending Two several Acts against *Tories, Robbers and Rapparees.*

For the more effectual Suppressing *Tories, Robbers and Rapparees*, and for preventing persons becoming *Tories*, or resorting to them; Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Twenty Fifth Day of September, in this present Year of our Lord, One thousand seven hundred and seven, all Idle, Idle Vagrants, and such as pretend to be Irish Gentlemen, and will not Work nor betake themselves to any honest Trade or Livelihood; but wander about demanding Victuals and Cofferings from House to House amongst their Fosterers, Followers and Others; and also Idle persons of Infamous Lives and Characters, shall upon the Presentments of the Grand-Juries at their Assizes, and at the General Quarter-Sessions of the Peace, of the respective Counties where such persons keep or frequent, and upon the Warrants from the Justices of Assize or Justices of the Peace, at their respective Quarter-Sessions, be sent to Goal, and there remain without Bail or Mainprize, until they shall be sent on Board Her Majesty's Fleet, or to some of Her Majesty's Plantations in America, whether such Justice or Justices of the Assize and Justices of the Peace, at their General Quarter-Sessions respectively, are Authorized to send such persons, unless they give sufficient Security to be of the good Behaviour.

And whereas several persons have made a Trade of obtaining Robbery Money from the Country, pretending to have been Robbed, whereas they never were Robbed, or were not Robbed of near the Value and Sum they alledge; and so get Money on that Account, which they never lost, to be Levied on the Country; for prevention whereof, Be it further Enacted by the Authority aforesaid, That all persons pretending to be Robbed, shall not only give Notice thereof to some Neighbouring Justice of the Peace, as is already provided for, by a former Act; but shall likewise on all Robberies, within Five Days after the Fact, give Notice to the High-Constable of the Barony where such Robbery shall be alledged to be committed, and in case such Robbery be committed in the Division of any two Baronies, then the High-Constables of both the said Baronies, who are hereby respectively required forthwith to Publish the same in all the Market-Towns of the Baronies where such Robberies are said to be committed.

And whereas the principal and chief Inhabitants of each Parish, take upon them, or are Summoned to Applot on the Inhabitants within their respective Parishes, the Money Ordered at the Assizes, to be Levied of the County, for the Reimbursing the persons that are Robbed, and do usually lay the whole Burthen on the poorer sort, that are least able to bear it, or able to resist or pursue the *Tories*, and thereby they pay little or nothing themselves who ought to be charged according to their abilities:

For Remedy whereof, Be it Enacted by the Authority aforesaid, That the party grieved by such apportionment, may appeal to the next going Judges of Assize, who upon Examination upon Oath in open Court of the Matters complained of, shall Determine the same, and make such Order, and award such Costs thereon, as he or they in their Discretion shall think fit; such Costs to be Levied and Recovered as costs in Civil Bills are Enacted to be recovered.

And in case any of the said persons shall make over or dispose of any of his or their substance, in order to Evade the Payment of his or their proportion, then such conveyance shall be looked on as fraudulent; and upon the complaint of the respective High-Constable, to one or more of the Neighbouring Justices of the Peace, shall send his or their Warrants for such person or persons, and commit them to Goal, there to remain without Bail, until they Pay or give Security for the payment of the Money so Applotted on them, subject nevertheless to such Appeal as aforesaid.

Persons Rob-
bed to give
notice thereof
to some Ju-
stice of Peace,
and Five
Days to be
High-Consta-
ble.

Remedy for a
person grieved
by a
wrong Ap-
portionment.

Any person
giving to
Evade the
Apportionment.

If any Har-
bourer, &c.
shall Detect
any Tories,
&c.

And be it further Enacted by the Authority aforesaid, That if any Harbourer of Tories or Robbers, shall Detect any other Two the like Harbourers, so as such Two Harbourers shall be taken and Convicted by his means, then the said Harbourer so Detecting the other Two, shall be Discharged and Pardoned for all his former Crimes of Harbouring only.

And whereas the Papists of this Kingdom do frequently keep private Intelligence with the French, and other Enemies to Her Majesty and Her Kingdoms; by means whereof, several parts of the Sea-Coasts are Infested and often Insulted by French-Privateers, chiefly Manned by Irish Papists who have Robbed several of Her Majesty's Faithful Subjects of all their Substance, by the contrivance and encouragement of other their Popish Friends in this Kingdom.

For preventing whereof, Be it further Enacted by the Authority aforesaid, That all such Robberies to be committed during this present War, and Losses sustained thereby by any person or persons, shall be presented at the next General-Assizes for the County where such Robbery shall be committed by the Grand-Jury of such County, after due Notice given thereof, to the High-Constable or Constables of the Towns and Baronies, according to the Direction in this Act concerning other Robberies; and after such Presentment made, such Order shall be made at such Assizes, for the relief of such persons so Robbed as aforesaid, and for Re-imbursing them such Losses as they shall respectively sustain thereby; and for Appointing and Levying the same, on the Lands, Tenements and Hereditaments, Goods and Chattels of all the Popish Inhabitants of the County where such Robbery shall be committed, in the same manner as Money is to be Levied for Robberies by Papists, by the aforesaid Act, Intituled, An Act for the Suppressing Tories, Robbers and Rap-
pares.

Robberies
committed to
be presented
at the next
Assizes, ex-
cept too near.

And be it further Enacted and Declared, That every Presentment for any Robbery to be hereafter made, by Virtue of this or the said former Act, shall be at the next Assizes after such Robbery committed, and not at any other Assizes afterwards, unless such Robbery shall be committed so near to the time of holding such Assizes, that no due Notice can be given of such Robbery before the first Day of such next Assizes, according to the Direction of this and the said former Acts, in which case it shall and may be Lawful for the person Robbed, to prefer his Petition and to obtain such Presentment at the next Assizes after such due Notice shall be given as aforesaid, this Act to continue for Seven Years from the End of this present Parliament, and from thence, to the End of the next Session of Parliament, after the Expiration of the said Seven Years, and no longer.

C H A P. XII.

An Act for the continuing and perpetuating of divers Laws and Statutes heretofore Temporary; and for Amending of the Law, in relation to Butter-Casks.

Whereas several Acts and Statutes Made and Enacted in this Parliament begun at Dublin, the Twenty first Day of September, in the Year of our Lord, One thousand seven hundred and three, in the Second Year of the Reign of Our Most Gracious Sovereign Lady Queen Anne, and from thence continued by several Adjournments and Prorogations to the Tenth Day of February, One thousand seven hundred and four, being the Second Session of this present Parliament, were only Temporary Laws, which by experience are found to be good and profitable Laws for this Kingdom, and fit to be continued and made perpetual.

Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That One Act Intituled, An Act for lessening the Duty on Rape-seed to be Exported. And also One other Act Intituled, An Act to Regulate the Taking and Exacting Tolls throughout this Kingdom, and to prevent the Engrossing of Coals in the City of Dublin: And also One other Act Intituled, An Act against Horse Stealing, and to prevent the Buying and Selling of Stollen Horses, and for punishing all Accessaries to Felons: And also One other Act Intituled, An Act for Regulating the Weights used in this Kingdom; and that Salt and Male shall be Sold by Weight. And all Clauses, Provisions and Articles, in them and every of them contained, shall continue and endure in Force for ever.

Duties of
Rape seed,
Tolls and En-
grossing Coals,
Horse Steal-
ing.
For punish-
ing Tories
and Felons.
Weighing
Salt and
Meal.

And

And whereas by an Act Intituled, An Act for Reforming Abuses in making of Butter Casks, and preventing of false Packing of Butter : Amongst others other things in the said Act Enacted, the Care of all Casks for Butter is ascertained ; notwithstanding which, many undue practices are used and abuses committed in relation to the Care of Butter-Casks, to the manifest Discouragement of those who Deal therein : For Remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That from and after the First Day of May, which shall be in the Year of our Lord, One thousand seven hundred and eight, no person or persons whatsoever, shall Sell or Expose to Sale any Cask of Butter, whereon the Care of such Cask shall not be fairly Cut or Imprinted with a Marking-Iron on the side of such Cask, at which Care the Merchant or Buyer thereof shall be obliged to take the same, unless such Buyer shall at the time of the Sale in the presence of the Seller, object against the said Care, in which case, it shall and may be Lawful to and for the Buyer to strip any one or more of such Cask or Casks as he shall suspect to be above the Care so Marked ; which stripping shall be at the proper costs and charges of the Buyer thereof ; and if after stripping of such Cask or Casks, they or any of them shall be found to have more than One Pound and a Half in the Half Hundred Cask, or more than Three Pounds in the greater Casks, of what Care is Marked on the Sides of the respective Casks so stripped as aforesaid, the Butter which was contained in the said deceitful Casks, shall in such cases be forfeited to the Buyer thereof, due proof thereof being first made before the next Justice of the Peace of the County, or County of the City or Town where the said Butter was Exposed to Sale, by the Oath or Oaths of one or more credible Witnesses or Witnesses, other than the party or parties concerned in the Buying of the said Butter, which Oath the said Justice is hereby Impowered to Administer, and finally to Hear and Determine accordingly : And if any Buyer shall refuse to accept the Care of the Cask Marked as aforesaid directed and appointed, or for his own Lucre and Gain shall in a sinister manner endeavour to oblige the person who Exposes the said Butter to Sale, to allow any greater Care than what is Marked on the said Cask (except it be in such cases aforesaid, where the Cask shall be stripped as aforesaid, and the Butter forfeited according to the Tenor of this Act) such Buyer or Buyers being thereof Convict before the next Justice of the Peace of the County, City or Town, where such Butter shall be Exposed to Sale, by the Oath or Oaths of one or more credible Witnesses or Witnesses, other than the party or parties concerned in the Sale of such Butter, which Oath or Oaths, the said Justice of Peace is hereby Impowered to Administer, such Buyer or Buyers so refusing, shall for each Offence, forfeit to the Seller or person Exposing the same to Sale, the Sum of five Pounds, to be Levied by Distress and Sale of the Goods of the party Offending, by the Warrant of such Justice before whom the party was convicted, over and above the Price of the Butter which the said Buyer shall cause to be stripped ; both which Sums of Money, the Justice of the Peace aforesaid before whom the conviction aforesaid was, is hereby enabled and required to cause to be forthwith Levied by Distress and Sale of the Goods of the Offender, by Warrant under his Hand and Seal, unless the party or parties Offending, shall pay, or cause the same to be paid to the party aggrieved, without Fraud or Delay.

Butter-Casks
and false
Packing of
Butter.

Lawful to
strip Cask
suspected to
be Marked
above the
Tare.

in what Case
Forfeited.

in what Case
Forfeiture
of Five
Pound.

C H A P. XIII.

An Act to Impower Justices of the Peace to Determine Disputes about Servants Wages ; and to oblige Masters to pay the same ; and to Punish Idle and Disorderly Servants.

C H A P. XIV.

An Act to prevent the Disorders that may happen by the Marching of Soldiers, and for providing Carriages for the Baggage of Soldiers in their March.

VWhereas great Disorders and Abuses have been committed by Soldiers in their Marches through this Kingdom, to the Damage of others of Her Majesty's Subjects ; For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of

No Detachment to March above Fifteen in number without a Commission Officer, &c.

Immediate reparation to be made for any damages, &c.

If not to repair to the next Justice, &c.

The Chief Magistrate to ascertain what damage is done by the Soldier, by Certificate.

The damage to be paid by the Officer in Six Hours, Penalty of Five Pounds.

None under Fifteen to March without a Sergeant or Corporal. Immediate restitution or reparation.

One part out of the Sergeant or Corporal, and the other out of the Soldiers.

On neglect or refusal, the Officer to Forfeit Five Pounds.

Concerning Carriages.

of the same, That from and after the first Day of November, One thousand seven hundred and seven, no Detachment of Soldiers above Fifteen in number, shall March through any part of this Kingdom, without one Commissioned Officer at least; which said Officer, shall under pain of Forfeiting his Commission, constantly March with the said Soldiers or Troops, and keep them together and intire, and shall be answerable for all Trespasses and Offences which the Soldiers under his Command, or any of them, shall respectively commit in their Marches, and shall give satisfaction for the same in manner as hereafter is mentioned; (That is to say) If any such Soldier or Soldiers, Trooper or Troopers during their March, shall commit any Trespass or other Offence, to the Damage of any of Her Majesty's Subjects, that then, and in such case, the Officer commanding such Soldier or Trooper, upon complaint of the party injured, or of any other on his behalf, is hereby required to cause immediate reparation or restitution to be made to such person or persons who shall make complaint, or on whose behalf complaint shall be made to such Officer, of any Trespass or other Injury done to him or them, by any Soldier or Trooper under the command of such Officer as aforesaid; and in default thereof, the party injured, or some other on his behalf, is hereby Impowered to repair to the next Justice of the Peace for the County, or to the Mayor, Sovereign, or other chief Magistrate of the City, Borough, or Town Corporate, where such Offence shall be committed, and by Oath of the party injured, or of any other credible person, to prove and make appear before such Justice of the Peace, Mayor, Sovereign, or other chief Magistrate, the particulars of the Damage done to such person or persons by any such Soldier or Trooper, whereupon the said Justice of the Peace, Mayor, Sovereign or other chief Magistrate, is hereby required to ascertain the Damage sustained by the party complaining, by Certificate under his Hand and Seal; for which no Fee or Reward is to be paid or taken: And in case such Officer or Officers, upon producing and tending to him such certificate, do not pay such Damage so certified, within Six Hours to the party complaining or producing such certificate, every such Officer shall forfeit the Sum of five Pounds, to be paid by the Pay-Master General, or his Deputy for the time being, without Delay, Fee or Reward, to the party producing such certificate, and the said Penalty or forfeiture is by the said Pay-Master General to be deducted out of the pay of such Officer so Offending. And, Be it further Enacted by the Authority aforesaid, That no Detachment of Soldiers under Fifteen in number shall March through any part of this Kingdom without a Sergeant or Corporal, which said Sergeant or Corporal is constantly to March with such Detachment, and keep them intire, under pain of being cashiered, or of suffering corporal punishment, at the Election of the Officer commanding such Detachment: And in case any such Soldier or Trooper shall in their said March commit any Trespass or other Offence, to the Damage of any of Her Majesty's Subjects, upon complaint thereof to such Sergeant or Corporal, immediate restitution or reparation shall be made to the party complaining, by such Sergeant or Corporal; and in default thereof, the party injured is hereby impowered to prove his damage, and to procure a certificate thereof in manner before mentioned; and upon producing such Certificate to the Officer to whose Company or Troop such Soldier or Trooper shall belong, such Officer is hereby required immediately to pay the Sum certified, not exceeding forty Shillings, to the party complaining or producing such certificate, of which Sum so paid, the said Officer is to deduct one moiety out of the pay of the Sergeant or Corporal that Marched with such Detachment, and the other moiety out of the pay of the Soldier or Soldiers committing such Trespass; but in case such Officer neglect to pay the Sum certified as aforesaid, within Twelve Hours after producing to him such certificate, such Officer for every such neglect and refusal, shall forfeit the Sum of five Pounds, to be paid and stopped in manner as is above-mentioned. And whereas many inconveniencies happen by the irregular taking and pressing of Carriages for conveying of Baggage belonging to Soldiers on their March through this Kingdom: For Remedy whereof, Be it Enacted, That upon the March of any Regiment, Troop or Company, or Detachment, the Quarter-Master, Agent, or some other Officer belonging to the same, shall produce the Orders of the chief Governor or Governors of this Kingdom, or a true Copy thereof Signed by the Commanding Officer of such Regiment or Detachment, to some one the Justice of the Peace, or to the Mayor, or other chief Magistrate of the place where such carriages are to be provided; which Justice, Mayor, or other chief Magistrate shall upon sight of such Orders, or of a true Copy thereof so Signed as is aforesaid, re-

Issue out his or their Warrants to the Constables within their respective Districts, or to the Constable or Constables within their respective Districts, or to the Constable or Constables of the next adjacent Barony, Hundred or District, requiring them within Twelve Hours at farthest, to provide a sufficient number of carriages, so as the same does not exceed Three Wheel-cars, or Six Slide-cars for each Troop or Company, and upon Receipt of such Warrant, such Constable or Constables are hereby impowered and required to make Provision of such Cars and Horses within his and their respective Districts or Parishes within the time aforesaid, and to procure and get the same in readiness. And in case any Constable or Constables shall neglect his or their duty herein, such Offender shall forfeit the Sum of Ten Shillings, to be recovered for the use of the Poor of the Parish, before the Justice of Peace or Magistrate who shall Sign such Warrant, the party Offending being duly convicted on the Oath of one credible Witness before such Justice of the Peace or chief Magistrate. And, Be it further Enacted, That if any Military Officer or Officers, for the use of whole Troop, Company or Detachment, such carriages shall be provided, shall force and constrain the Owner or Driver of any Car or Carriage, to Travel with his Car or Carriage more than one Days March, according to the Rout, or shall not discharge the same within Two Hours after they come to the end of such Days March, or shall suffer any Soldier or Servant, or any Woman to Ride in any Car or Carriage so provided, or shall force any Constable or Petty-constable, by Penance or otherwise, to provide Saddle-horses for such Officer or Officers, his or their Servants, or shall take, or cause to be taken by force any Horse or Horses from the respective Owner or Owners thereof, every such Officer shall for every such Offence, forfeit the Sum of Forty Shillings, proof thereof being first made upon Oath before one of Her Majesty's Justices of the Peace for the same County, or before the chief Magistrate of the place where such Offence shall be committed, who are to make certificate thereof to the Pay-master General of Her Majesty's Forces in this Kingdom, who is hereby required upon the Receipt of such certificate, to pay the aforesaid Sum of Forty Shillings to the party injured; and the said Pay-master is hereby Impowered to deduct the same out of such Officers Pay. And be it further Enacted, That no such Wheel-car or Carriage shall be Loaden with above Four Hundred Pounds Weight, nor any Slide-car with above Two Hundred Pounds Weight; and that no Owner of such Carriages shall be compelled to take any Loading, or be forced to proceed in the March with his respective Carriage, till such time as the Officer or other person who shall require such Carriage, do pay down in Hand to the Owner of such Carriage, or his Servant, the Sums herein after mentioned, for every Mile or reputed Mile they are to March (that is to say) Two pence per Mile for every Wheel-car, and One penny per Mile for every Slide-car; which Sum or Sums so to be advanced and paid by such Officer or Officers for such Car as aforesaid, shall be repaid to such Officer or Officers, by the Pay-master General or Vice-treasurer of this Kingdom for the time being, on Oath made by such Officer or Officers, before one of Her Majesty's Justices of the Peace, or chief Magistrate of any City or Corporate Town, of his or their payment of such Sum or Sums for Carriages as aforesaid. And, Be it further Enacted, That Notice shall be given to the Lord Mayor of the City of Dublin, at least Twenty Four Hours before the March of any Troops or Companies of Soldiers out of the said City, of the number of the Troops and Companies appointed to March; whereupon the said Lord Mayor for the time being, shall Summon a proportionable number of Cars, out of the Licensed Cars, Brick-cars, and other Cars within the County of the said City; and so from time to time the said Cars are by turns to be provided, and employed in carrying the Baggage of such Troops or Companies at the Prices, and under the Regulations herein before mentioned; and it is hereby Directed, That no Country Cars or Carriages coming to the Markets of the said City, shall be detained or employed in carrying such Baggage on any pretence whatsoever. Provided nevertheless, if through the neglect of any Constable after Notice given as aforesaid, to provide Carriages as before-mentioned, the Officer commanding in chief, for want thereof, shall be necessitated to Halt; that then, and in such case only, it shall and may be Lawful to and for the said Officer to take the Carriages one Days March more according to the Rout, paying Two pence per Mile, as before-mentioned; and the Owners of such Carriages upon complaint made by them or their Servant to any Justice of the Peace, or chief Magistrate next adjoining to the place where such Carriages were to have been provided, shall receive over and above the Two pence per Mile before-mentioned,

No one to be forced above one Days March.

No Soldier, Servant or Woman to ride on the Carriage, &c.

A Wheel car not to be laden with above Four Hundred weight, a Slide-car not above Two Hundred. Sums to be paid in Traveling. How to be re-paid.

Notice to be given in Dublin to the Mayor twenty four hours before the March.

No Country Cars to be detained.

not above two Pence per Mile.

No Quarters
save on their
March, &c.

Officers For-
feiture for
Killing Hares,
Conies, Fowl,
Poultry, Fish
or Game, &c.
to Forfeit
Five Pounds.

Soldier Ten
Shillings.

The Forfei-
ture and
time, if not
paid,

ed, Two pence more per Mile to be paid by the Constable who made default in providing Carriages, the said last Sum to be Levied immediately after demand and refusal, by Warrant of any Justice of the Peace, or chief Magistrate of the place next adjoining; which said Justice or chief Magistrate, is hereby required to grant the same immediately on demand without fee or Reward. And, Be it further Enacted, That no Officer, Soldier or Trooper in Her Majesty's Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Freeman of the Guard or Battle-Ares, nor any Officer commanding the said Troops, nor any Servant of any such Officer shall at any time hereafter have, receive, or be allowed any Quarters in any part of this Kingdom, save only during such time or times as he or they shall be on their March as aforesaid, or during such time as he or they shall be and remain in some Sea-Port Town, or other place in the Neighbourhood of a Sea-Port Town, in order to be Transported, or during such time as there shall be any commotion in any part of this Kingdom, by reason of which Emergency, Her Majesty's Army, or any considerable part thereof, shall be commanded to March from one part of this Kingdom to another: Provided also, That all Officers, Soldiers, Troops and Companies in Her Majesty's Army, that shall at any time before the Twenty Ninth of September, One thousand seven hundred and eight, March into the City of Dublin, or that now are in the same, may until the said Twenty Ninth Day of September, One thousand seven hundred and eight, and no longer, be provided with necessary Quarters in the publick Taverns and Ale-houses within the said City and Liberties thereto adjoining during the continuance of such Troop or Company in the said City, without incurring any breach of this present Act: And that from and after the said Twenty Ninth Day of September, One thousand seven hundred and eight, the said Officers, Soldiers and Troopers shall be Lodged in the Barracks which are now Building near the said City, and not in any other part of the said City, Suburbs or Liberties thereto adjoining; And that from and after the said Twenty Ninth of September, One thousand seven hundred and eight, no Sheriff, Constable, or other Officer or Person whatsoever, shall presume to Quarter or Billet any such Officer or Soldier, or other Person whatsoever in the said City, Suburbs or Liberties thereto adjoining, under the Penalty of Forfeiting the Sum of fifty Pounds, to be recovered in any of Her Majesty's Courts of Record, by the Person or Persons that will Sue for the same. And, Be it further Enacted, That from and after the first Day of November, One thousand seven hundred and seven, if any Officer or Soldier shall without leave of the respective Lord or Lords of the Manor, under his or their Hands and Seals first had and obtained, Take, Kill or Destroy any Hare, Coney, Partridge, Pheasant, Pidgeon, or any other sort of Fowl or Poultry; or if any Officer or Soldier shall Destroy any fish, or Her Majesty's Game within the Kingdom of Ireland, and shall be thereof convicted upon the Oath or Oaths of one or more credible Witnesses, before any Justice or Justices of the Peace, who is and are hereby Impowered and Authorized to Hear and Determine the same: Every Officer so offending, and being so convicted, shall for every such offence forfeit the Sum of five Pounds, to be distributed by the said Justice or Justices of the Peace amongst the Poor of the place where such offence shall be committed, and every Officer commanding in chief upon the place, for every such offence committed by any Soldier under his command, and of which such Soldier shall be so convicted, shall forfeit the Sum of Ten Shillings, to be paid and distributed in manner aforesaid; and if upon such conviction, and demand made of such respective Penalties, by the Constable or Overseer of the Poor of the Parish where such offence shall be committed, such Officer shall refuse, or shall by the space of Ten Days neglect to pay the said respective Penalties, such Officer so refusing or neglecting, shall forfeit, and is hereby declared to have forfeited his Commission, and his Commission is hereby declared Null and Void. Provided always, That no civil Magistrate or Constable be obliged to find Quarters for, or give Billets to more or other Soldiers than those only whose true Christian and Sir-names shall be delivered to him in Writing, under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the time such Quarters or Billets are desired; all which Names shall be Written together, and delivered in one piece of Paper Signed as is aforesaid, and the Christian and Sir-names of every Soldier to be Quartered or Billeted, together with the Name of the Person on whom he or they shall be Billeted or Quartered, shall be given in Writing by the Constable or civil Officer Billeting or Quartering such Soldier, and be contained in the Billet given by such civil Officer.

C H A P. XV.

An Act to Supply the Defects, and for the better Execution of an Act, Entituled, *An Act for the Avoiding of Privy and Secret Outlawries of His Majesties Subject in Personal Actions.*

Whereas by an Act of Parliament made in this Kingdom in the Reign of King James the First, Entituled, *An Act for the Avoiding of Privy and Secret Outlawries of His Majesty's Subjects in Personal Actions.*

It is amongst other things therein contained, Enacted in these Words, (Viz.) That from and after the end of the Term next ensuing the end of this present Session of Parliament, in every Action Personal, wherein any Writ of *Exigent* shall be Awarded out of any Court, One Writ or Proclamation shall be Awarded, and made out of the same Court, having Day of *Teste* and Return, as the said Writ of *Exigent*, shall have directed, and delivered of Record unto the Sheriff of the County where the Defendant at the time of the *Exigent* so awarded shall be Dwelling; which Writ or Proclamation shall contain the effect of the same Action; and that the Sheriff of the County unto whom any such Writ or Proclamation shall be directed, shall make three Proclamations in this Form following, and not otherwise (*that is to say*) One of the said Proclamations in the open Court, and another of the same Proclamations to be made at the General Quarter-Sessions of the Peace in those parts where the Party Defendant at the time of the *Exigent* Awarded shall be Dwelling, and one other of the said Proclamations to be made one Month at the least before the *Quinto Exactus*, by Virtue of the said Writ of *Exigent*, at or near to the most usual Door of the Church or Chapel; or in case there be no Church or Chapel, in the Church-yard of that Town or Parish where the Defendant shall be Dwelling at the time of the said *Exigent* so Awarded; and if the Defendant shall be Dwelling out of any Parish, then in such Place as aforesaid, of the Parish in the said County, and next adjoining to the place of the Defendants Dwelling, and upon a *Sunday*. And that all Outlawries had and pronounced after the end of the Term next ensuing the end of this present Session of Parliament, and no Writ of Proclamation Awarded and Returned according to the Form of the Statute, shall be utterly Void and of none Effect. And that the Officer in whose Office the said Writs of *Exigents* and Proclamation shall be made, shall take no more for the making of any such Writs of Proclamation, or the Entering of the same of Record, but Six Pence *Sterl.* And that the Sheriffs for making of the said Proclamation at or near to the Church or Chapel-door as aforesaid, shall have Twelve Pence *Sterl.* and no more: Which said Law, though very good and wholesome, hath been very much perverted and abused by the evil practice of many persons carried on, and used contrary to the Tenor of the said Act, and hath not obtained the good ends intended thereby: For Remedy whereof, and for prevention of the like Abuses and evil Practices for the future, and for a further Supplement to the said Law.

Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Eighth Day of November, in this present Year of our Lord, One thousand seven hundred and seven, no *Quinto Exactus* shall be Returned by any Coroner in this Kingdom, upon the *Exigent* in any personal Action, until Affidavit to be made by two or more credible Witnesses, it shall and may appear to such Coroner, that such Proclamations as in and by the said Recited Act are required, are, and have been made. And,

Be it further Enacted by the Authority aforesaid, That such Affidavit so made, shall, together with the *Exigent*, be Returned by the Coroner to the Clerk of the Outlawries, there to be filed, and remain in his Custody; And that from and after the said Twenty Eighth Day of November, One thousand seven hundred and seven, no Clerk of the Outlawries shall Issue or make out any *Capias Utlagatum* upon any *Exigent* so Returned, till such Affidavit be first filed with him as aforesaid, upon pain of Forfeiting to the Party Grieved, for every *Capias Utlagatum* Issued contrary to this Act, the Sum of Forty Pounds, to be Recovered by Action of Debt in any of Her Majesty's Courts of Record in Dublin, in which no *Essoign*, Protection or *Wager of Law* shall be allowed, nor more than one Imparllance.

No *Quinto Exactus* to be returned by any Coroner, &c.

The Affidavit with the *Exigent*, ways to be Returned.

No Clerk of the Outlawries to make out any *Capias Utlagatum*.

And, for preventing of Delays of Sheriffs, in Returning such Writ or Writs of Proclamations as shall be directed and delivered to them.

Every Sheriff
duly to exe-
cute Writs of
Proclamati-
on, &c.

Be it further Enacted by the Authority aforesaid, That all and every the Sheriff of any County or City in this Kingdom, to whom any such Writ or Writs of Proclamations from and after the said Twenty Eighth Day of November, One thousand seven hundred and seven, be Directed and Delivered, shall duly Execute the same, and thereof make true Return at the Day of the same Writ or Writs appointed, together with such Affidavit as aforesaid, upon pain to forfeit such Fine or Amercement unto the Queen's Majesty, Her Heirs and Successors, as by the Discretion of the Judges or Justices before whom such Exigent shall be Returned, shall sett. And,

Every Decla-
ration Filed
after Reversal
be for the
same Cause or
Sum, &c.

Be it further Enacted by the Authority aforesaid, That every Declaration or Declarations to be Filed from and after the said Twenty Eighth Day of November, One thousand seven hundred and seven, by any Plaintiff in such Outlawry against the Defendant or Defendants therein, after Reversal thereof, and entering Bail as by the said Recited Act is prescribed, shall be for the same Cause or Sum contained in such Writ or Writs of Proclamations to be Directed and Delivered as aforesaid, and for no other Cause or Sum, any Law, Custom or Usage, to the contrary in any wise notwithstanding.

No Filing for
other Cause
or Sum.

And if any Plaintiff or Plaintiffs in such Personal Action, his or their Attorney or Attorneys, shall from and after such Reversal as aforesaid, file a Declaration or Declarations against such Defendant or Defendants as aforesaid, for any Cause or Sum, other than what is contained in such Writ of Proclamation as aforesaid, then every such Defendant or Defendants shall and may Plead this Law, in Bar to every such other Cause or Sum contained in such Declaration contrary to this Law. And,

No Bail an-
swerable, &c.

Be it further Enacted by the Authority aforesaid, That from and after the Twenty Eighth Day of November, One thousand seven hundred and seven, where any Bail shall be given in Action or Suit in any of the four Courts in Dublin, that such Bail shall not be Answerable or Charged, by reason of becoming Bail as aforesaid, in any other Action or Suit, or for any other matter or cause whatsoever, but the particular Action or Suit, in which such person or persons shall become Bail, and no other, any practice or usage of any of the said Courts to the contrary thereof notwithstanding. And,

Be it further Enacted, That if any Outlawry be had or pronounced from and after the Twenty Eighth Day of November, One thousand seven hundred and seven, against any person or persons in any Action Personal, and no Writ of Proclamation is awarded and Returned as is aforesaid; that then every such Outlawry to be utterly Void, and of no Effect or Force in Law: And that all Outlawries had after the said Twenty Eighth Day of November, One thousand seven hundred and seven, contrary to this Act, be Avoided by Averment or Plea without suing any Writ of Error.

C H A P. XVI.

An Act for the more effectual preventing the taking away and Marrying Children against the Wills of their Parents or Guardians.

A rehearsal of
of the Act of
the 10th of
K. Charles the
First.

Whereas by a Statute made in this Kingdom, in the Tenth Year of King Charles the First, Intituled, An Act for the Punishment of such as shall take away Maidens that be Inheritors; being within the Age of Sixteen Years, or Marry them without the Consent of their Parents; every person or persons above the Age of Fourteen Years, are thereby punished with Fine and Imprisonment, who shall Take or Convey away, or cause to be Taken or Conveyed away any Maid or Woman-Child Unmarried, being within the Age of Sixteen Years, out, of, or from the Possession, Custody or Governance, and against the Will of the Father of such Maid or Woman-Child, or of such person or persons to whom the Father of such Maid or Woman-Child, by his last Will, or by any other Act in his Life time, hath, or shall appoint and order the Education or Governance of such Maid or Woman-Child, and shall Contract Patrimony with the said Maid or Woman-Child, as by the said Act more at large appeareth; which said Punishment is not sufficient to deter Wicked and Covetous Men from committing such heinous Offences; but the same are daily perpetrated, to the great Displeasure

of Almighty God, and the great Heaviness and Grief of the Relations and Friends of such persons who are so Unlawfully taken away.

For Reformation whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if any person or persons above the Age of Fourteen Years, from and after the First Day of November, One thousand seven hundred and seven, by Fraud, Flattery, fair Promises, or other indirect Means, shall secretly Abduct, Take and Convey away, or cause, or procure to be Taken or Conveyed away any Maid or Woman-Child, having Substance in Lands, Tenements or Goods, or bring Heiress to her Ancestor, and within the Age of Eighteen Years, out of, or from the Possession, Custody or Governance of the Father or Mother of such Maid or Woman-Child, or out of the Custody or Power of the Guardian or Guardians of such Maid or Woman-Child, against the Will of the Father or Mother of such Maid or Woman-Child, or of such person or persons who shall then have the Guardianship of such Maid or Woman-Child, or of such other person or persons as shall then lawfully have the Order, Keeping, Education or Government of any such Maid or Woman-Child, and shall Contract Patrimony with such Maid or Woman-Child, by and with the Consent of such Maid or Woman-Child, the said person and persons so taking away, or procuring to be taken away and carrying the said Maid or Woman-Child, without the Consent of the Parent or Guardian; and in case there be no Parent or Guardian appointed, then and in such case, of the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal for the time being, and be thereof lawfully Convicted, shall suffer Imprisonment for the space of Three Years without Bail or Mainprize, and shall be Adjudged, and taken to be for ever Incapable and Disabled to have, receive or take any manner of Use, Profit or Benefit whatsoever, in Law or Equity, of all or any Part of the Estate, Real or Personal, to which such Maid or Woman-Child, or any person or persons in Trust for such Maid or Woman-Child at the time of such Marriage, or at any time thereafter, are or shall be Seized of, Interested in, or Intituled unto.

The penalty on any one above 14 Years of Age, to procure or take away any Maid or Woman-child under the Age of 18, from their Parents or Guardians.

And be it further Enacted by the Authority aforesaid, That the Estate, Real or Personal, which such Maid or Woman-Child, or any other person or persons in Trust for her, shall be Interested in, or Intituled unto, at the time of such Marriage, or at any time afterwards, shall upon the Conviction of such person or persons, so taking away and carrying such Maid or Woman-Child, be from the time of such Marriage Vested in such Trustees as the said Lord Chancellor, Lord Keeper, or the Commissioners of the Great Seal, shall think fit to Nominate and Appoint; Subject nevertheless to such Payments, Charges and Demands, as the same was liable to at the time of such Marriage: And upon this further Trust and Confidence, that such Trustees, and the Survivor and Survivors of them, shall and may Receive the Rents, Issues and Profits of the said Real and Personal Estate, and manage the same to the best profit and Advantage during the Joint-lives of the person so carrying: And in case such Woman happen to Survive her said Husband, then to the intent and purpose that the said Trustees and the Survivor of them, shall pay unto such Woman out of the Rents, Issues and Profits of the Premises such proportion thereof, for and during her Natural Life for her maintenance, as the Lord Chancellor, Lord Keeper or the Lords Commissioners of the Great Seal shall direct and appoint: And also such Sum and Sums of Money for the Maintenance and Education of the Children of such Woman, as shall be appointed as aforesaid. And upon this further Trust, and to the intent and purpose that the said Estate Real and Personal, and all the profits and produce thereof, other then what shall be disposed of as aforesaid, or in payment of such Debts as the same was liable to before the said Marriage, and other then what shall be necessarily Expended by the said Trustees, in Execution of the said Trust, shall from and after the Death of such Woman so Married as aforesaid, Descend, Go and Remain to such person and persons as the same would have done, in case this Act had never been made.

The Disposal of the profits during the Joint-life, and after the Death of the Man.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall at any time after the said First Day of November, One thousand seven hundred and seven, by any subtle Means, or secret Insinuations and Delusions, Threats or Menaces, persuade or procure the Son and Heir Apparent, or other Son of any person or persons having Lands, Tenements or Hereditaments, of the Pearly Value of Fifty Pounds, or Personal Estate of the Value of Five Hun-

In case of a Sons marrying against Consent before 21.

died pounds, or shall in manner aforesaid, persuade or procure the Eldest Son, or any other Son of any person or persons Deceased, to Contract Patrimony, without the privity or consent of the Parents or Guardians of such Eldest or other Son, and such Patrimony be had as aforesaid, before such Son attain the Age of Twenty One Years, every such person or persons Contracting Patrimony without the privity and consent of such Parent or Guardian; and in case there be no Parent or Guardian appointed, then and in such case of the Lord Chancellor, Lord Keeper or Commissioners of the Great Seal for the time being, shall be, and is hereby rendered incapable, and for ever disabled to sue for, Recover or Demand any Dower, Thirds, or any other part of the Real or Personal Estate of such Son or Sons, or claim or demand any Jointure, or other provision out of the Real or Personal Estate of such Son or Sons, made to, or in Trust for her, by any Will, Deed or Settlement whatsoever.

Accessaries or
Aiders their
punishment.

And be it further Enacted by the Authority aforesaid, That all persons who shall be Accessaries, Aiders, Abettors or Procurers before the Fact committed, in all and singular the several Offences herein before-mentioned, being Lawfully Convicted thereof, shall suffer Three Years Imprisonment.

The Penalty
for the Cler-
gy-man that
Marries them.

And be it further Enacted by the Authority aforesaid, That if any person shall after the first Day of November, in the Year of our Lord, One thousand seven hundred and seven, Celebrate or take upon him to Celebrate, any Marriage of any such persons as aforesaid, without such consent as aforesaid, and be thereof Lawfully Convicted, every such person being a Beneficed Clergyman within this Kingdom, shall be immediately from and after such Conviction ipso facto, Deprived of all his Spiritual Livings and Ecclesiastical Preferments, and the same are hereby Declared to be from thenceforth Void, nevertheless, no Lapse shall incur on any such Avoidance, until the end of Six Months after Notice given to the respective persons of such Conviction as aforesaid; and such Clergy-man so Convicted, shall from and after such Conviction, be incapable of any Spiritual preferment or promotion in this Kingdom, or of receiving any Benefit thereby: And every other person so Offending and Convicted as aforesaid, shall be Transported out of this Kingdom, and in such Manner and Form as persons Exercising Foreign Jurisdiction, and Popish Regulars are by Law appointed to be Transported: And if such person shall after such Transportation return into this Kingdom, he shall suffer all such pains and Penalties as persons Exercising Foreign Jurisdiction, and Popish Regulars Transported; and after Returning into this Kingdom, are by the Laws of this Realm Subject unto.

If Married by
any Popish
Priest, his
Punishment.

And be it further Enacted by the Authority aforesaid, That if any Popish Priest shall after the first Day of November, One thousand seven hundred and seven, presume to Celebrate the Marriage of any the persons aforesaid, contrary to the true meaning of this Act, or shall Celebrate Patrimony between any persons knowing that at the time of such Marriage, they or either of them is of the Protestant Religion, every such Popish Priest so Offending, and being thereof Lawfully Convicted, shall be Deemed, Judged and Reputed to be a Popish Regular, and shall suffer all the pains, penalties and forfeitures of a Popish Regular, any thing contained in an Act, Intituled, An Act for the Registering the Popish Clergy in this Kingdom, to the contrary in any wise notwithstanding.

If taken away
against her
consent,
Death with-
out benefit
of Clergy.

And be it further Enacted by the Authority aforesaid, That if any Maid or Woman be taken or carried away by Force against her Consent, and after be Married or Defiled by such person or persons who carried her away, or by any other person, by his or their Assent or procurement, whether such Marriage or Defilement be with or without the Consent of such Maid or Woman so carried away by Force and against her Will as aforesaid, every such person so Marrying or Defiling such Maid or Woman, and the aiders and procurers of such forcible taking away of such Maid or Woman; and all as well principals as accessaries, before such Fact committed, shall loose the Benefit of Clergy, and shall be Deemed and Adjudged to be Felons; and shall suffer pains of Death, without Benefit of Clergy, any former Law to the contrary notwithstanding.

The Accessa-
ries, their
Punishment.

And if any person or persons being principal or accessory before such Offences committed as aforesaid, shall be Indicted and Arraigned for the taking away of any such Maid or Woman by Force against her Consent, and Marrying or Defiling such Maid or Woman as aforesaid; and upon his or their respective Tryals shall stand mute, or make no Direct answer or Challenge peremptorily above the Number of Twenty, he or they in every such case, shall suffer the pains of Death without the Benefit of the Clergy.

And

And whereas John o Bryan, who was Bred a Papist, and is a person of no Fortune, hath Forceably taken away Margaret Mac Namara, an Infant, of the Age of Thirteen Years, out of the Possession and Custody of her Mother Margaret Mac Namara, with intent to force the said Minor to Marry him the said John o Bryan, and to that end hath by Force detained the said Minor for some Months past in his Custody.

The Case of
John o Bryan
and Margaret
Mac Namara.

Be it further Enacted by the Authority aforesaid, That if the said Margaret Mac Namara, Junior, hath since the Eighteenth Day of April, in the Year of our Lord, One thousand seven hundred and seven, (on which Day she was Forced away, as aforesaid) Inter-married with the said John o Bryan, in such manner that the said Marriage may not be Dissolved or Declared Void by the Ecclesiastical Laws of this Kingdom; then the Fortune to which the said Margaret Mac Namara Junior, was Intituled before such Marriage, by her Fathers Will or otherwise, being upwards of Two Thousand Pounds Sterl. shall be, and is hereby Vested in the said Margaret Mac Namara the Mother, and Simon Purdon, Esquire, who were appointed Guardians of the said Minor by her said Fathers Will, upon the following Trusts (that is to say) That the said Margaret Mac Namara the Mother, and Simon Purdon, and the Survivor of them, and the Executors and Administrators of such Survivor, shall out of the Annual Interest, or produce of the said Fortune, pay for and towards the seperate provision and Maintenance of the said Margaret Mac Namara Junior, the Annual Sum of fifty Pounds Sterl. to be received by her, to and for her own seperate Use, and to be Disposed of by any Direction under her Hand, without the Intermedling of the said John o Bryan, during the Joint-lives of the said John o Bryan and Margaret Mac Namara, Junior: And in case the said Margaret Mac Namara, Junior, shall out-live the said John o Bryan, then in Trust, and to the intent that the said Margaret shall receive the full Use and Produce of the said Fortune during her Natural Life, as well what shall become due above the said Sum of fifty Pounds per Annum, appointed for her seperate maintenance during the Joint-lives of the said John o Bryan and Margaret Mac Namara, Junior, as what shall become due after his Death in Case she Survive him, and after her Death, in Trust as well the said principal Sum as the Interest thereof, to and for the Use of such Child or Children, being Protestants, as shall be Begotten on the Body of the said Margaret Mac Namara, Junior, by the said John o Bryan, or any other Husband she shall happen to Marry; but if the said Margaret Mac Namara, Junior, shall Dye in the Life time of the said John o Bryan, leaving one or more Child or Children, begotten on her Body by the said John o Bryan, then in Trust and to the Use of such Child or Children, if they be Bred Protestants: But if the said Margaret Mac Namara, Junior, happen to Dye in the Life time of the said John o Bryan, leaving no Child or Children by him begotten on her Body, or if such Child or Children shall not be Bred Protestants, or if all such Children shall Dye before their Ages of one and Twenty Years, and Unmarried, then in Trust and to the Use of the said Margaret Mac Namara, Senior, her Executors, Administrators or Assigns.

C H A P. XVII.

An Act for Suppressing Lotteries and Gaming-Tables.

Whereas an Act passed in this Kingdom, in the Tenth Year of His Late Majesty King William, of Glorious Memory, against Deceitful, Disorderly and Excessive Gaming; which Law has not had the intended good Effect; and several Evil Disposed Persons for divers Years last past, have Set up many Dischievous and Unlawful Games, called Lotteries, and have thereby most unjustly and fraudulently got to themselves great Sums of Money from the Children and Servants of several Gentlemen, Merchants and Traders, and from other unwary persons; and likewise other evil disposed persons do keep publick and Open Gaming-Tables, where Young Gentlemen and other unwary Persons, Play at Dice and Cards for great Sums of Money, to the Corruption of Youth, the utter Ruin and Impoverishment of many Families, and to the Reproach of the Laws and Government of this Realm.

The Preamb.
ble.

For Remedy whereof, Be it Declared and Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That all Publick Lotteries and Gaming-Tables, and all other Lotteries and Gaming-

All Gaming-
Tables and
Lotteries ex-
cept the
Groom-Por-

ters, to be
Nuisances.
The Groom-
Porter to be
in the Castle
or such other
House where
the chief Go-
vernor shall
Reside.

Gaming-Tables that shall be kept in any publick Houses, in any City, Town Corporate, or place, within this Kingdom (other than the Groom-Porter's Table, to be kept within the Walls of Her Majesty's Castle of Dublin, or other House, in which the Chief Governor or Governors for the time being shall Reside; During the time such chief Governor or Governors shall Actually Reside therein, and no longer) are and shall be Deemed, Taken and Adjudged to be Common and Publick Nuisances: And that all Grants, Patents and Licenses, for such Lotteries and Gaming-Tables, are Void and against Law, and shall be so Deemed, Taken and Adjudged.

The Forfeiture for keep-
ing Lotteries,
&c.

The Forfeiture for Lay-
ing Wagers.

Information
within Ten
Days, &c.
Prosecution
in a Month,

And be it further Enacted by the Authority aforesaid, That from and after the first Day of November, which shall be in the Year of our Lord God, One thousand seven hundred and seven, no person or persons whatsoever, shall publicly Exercise, keep Open, Shew or Expose to be Played at, Drawn at or thrown at, or shall publicly Draw, Play or Throw, any Lottery or Game of Fortune, either by or with Dice, Lots, Cards, Balls, or any other Numbers or Figures whatsoever; and that no person or persons whatsoever, shall publicly Exercise, keep Open, Shew or Expose any Gaming-Table or Tables, Device or Place, where any person or persons shall play at Dice or Cards for Money or Goods, or shall Bet or Lay any Wager or Wagers, on the Sides or Hands of such who play only for Sport and Pastime: And that if any person or persons, shall after the said first Day of November, Exercise, Expose, Open or Shew to be Played, Thrown or Drawn at, any Lottery, Play or Device, or shall publicly Exercise, keep Open, Shew or Expose, any Gaming-Table or Tables, Device or Place, where any person or persons shall play at Dice or Cards for Money or Goods, or shall Bet or Lay any Wager or Wagers, on the Sides or Hands of such who play for any Money or Wager, or only for Sport and Pastime, every such person or persons shall forfeit such Sum of Money for every such Offence, as any Two Justices of the Peace or Chief Magistrate of any City or Town Corporate (where the Offence shall be committed) shall Adjudge fit and reasonable, upon proof of the Matter before him, upon the Oaths of Two Credible Witnesses, so as that such Sum for any such Offence, doth not exceed the Sum of Forty Shillings Sterl. which Justices of the Peace or chief Magistrate, is hereby Impowered and Required to Summon the party complained of, and to Hear and Determine such Offences; and by Warrant under his Hand and Seal, to cause the said Money to be Levied by Distress and Sale of the Goods of the person or persons so Offending; a Poverty of the said Money and Penalty, to be to the Use of the Party who shall Inform the said Justices of the Peace or chief Magistrate, of the said Offence; and the other Poverty to the Use of the Poor of the Parish where such Offence shall be committed: And if no sufficient Distress can be found, the Party or Parties Offending, shall by Order of the said Justices of the Peace or chief Magistrate, be publicly Whipt on some Market-Day, in the open Market of the said City, Town Corporate, or next chief Town of the County where the Offence shall be committed.

Provided, That every Information concerning Offences mentioned in this Act, be within Ten Days after the Offence committed, and the Prosecution and Warrant for Levying such Penalties as aforesaid, be had thereon, within One Month after such Warrant had.

C H A P. XVIII.

An Act for Encouraging the Exportation of Corn.

Inasmuch as it hath been found by Experience, that the Exportation of Corn and Grain into Foreign Parts when the price thereof is at a low Rate in this Kingdom, hath been a great Advantage (not only to the Owners of Land, but) to the Trade of this Kingdom in general. May it please Your Majesty, that it may be Enacted.

What Price
Corn may be
Exported.

And be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons, in this present Parliament Assembled, and by the Authority of the same, That when Malt, Ware or Barley, is or shall be at Ten Shillings per Quarter or under, containing Eight Bushels; Rye at Nine Shillings per Quarter or under, containing Eight Bushels; and Wheat at Fourteen Shillings per Quarter or under, containing Eight Bushels, in any Port of this Kingdom; every Merchant or other Person

Person, who shall put on Ship board in British or Irish Shipping (the Master and Two Thirds of his Mariners at least, being Her Majesty's Subjects, any sort of the aforesaid Corn from any such Ports, where the Rates shall then be Higher than as aforesaid, with Intent to Export the said Corn to parts beyond the Seas; every such Merchant or other persons, shall bring a Certificate in Writing, under his Hand or their Hands, containing the Quantity and Quality of Corn so Shipped, to the Farmers, Commissioners, Collectors, or other persons appointed, or to be appointed for the time being, to Collect the Duties and Rates arising by Customs within any such Port; and upon proof made of any such Certificate, by one or more Credible person or persons upon their Oaths; which Oath the said Commissioners or other persons, are hereby Authorized and Required to Administer; and upon Bond given by every such Merchant or other person, in the Sum of Two hundred Pounds at least; for every Hundred Tuns of Corn so Shipped; and so proportionably, that the said Corn (danger of the Seas excepted) shall be Exported into parts beyond the Seas, and not be again Landed in the Kingdom of Ireland, every such Merchant so Shipping off any of the aforesaid Corn, and giving Certificate and Bond as aforesaid, shall have and receive from such Farmers, Commissioners, Collectors or other persons, in any Port Respectively, where the said Corn shall be so Shipped; for every Quarter containing Eight Bushels of Barre, Barley or Malt, Ground or Unground; for every Quarter of Rye, One Shilling, Ground or Unground; for every Quarter of Wheat, Ground or Unground, One Shilling and Six pence; which Sum or Sums, every such Commissioner, Farmer or other Person, are hereby Authorized and Required upon Demand by such Exporter, to make present payment of accordingly, without taking or requiring any thing for Custom; or any Fee or Reward for Corn so Laden to be Exported, or for so much Grain as shall be Exported in any Ship wherein any other Goods shall be Shipped, any Law, Statute or Usage, in any wise to the contrary notwithstanding; and upon Certificate returned under the Common-seal of the chief Magistrate, in any place or places beyond Seas, or under the Hands and Seals of Two known Merchants upon the place that such Corn was there Landed, or upon proof by credible Witnesses, that such Corn was taken by Enemies, or perished in the Seas, the Examination and Proof thereof being left to the Judgment of such Commissioners, Farmers, Collectors, or other Persons; which proof being made, a Certificate delivered to such person or persons respectively as took Bonds as aforesaid, the said Bonds shall be delivered up to such Exporter, or his Order to be Cancelled, without any Fee for the same; and the Monies by any such Commissioners, Farmers, Collectors or other Person, so paid in Obedience to this Act, shall be Excepted of in his or their Accounts, as so much paid to Her Majesty; and he and they is, are, and shall be Discharged thereof accordingly.

The Master and Two Thirds of the Mariners at least to be Her Majesties subjects. What Certificates and Bonds to be given on Transportation.

The drawback on Corns Exported.

No Fees to be paid for Corn Exported.

what Certificates to be produced for taking up their Bonds.

C H A P. XIX.

An Act for Settling and Preserving a Publick Library for ever, in the House (for that purpose) Built by his Grace *Narcissus*, now Lord Arch-Bishop of *Armagh*, on part of the Ground belonging to the Arch-Bishop of *Dublin's* Palace, near to the City of *Dublin*.

WHETAS the most Reverend Father in God *Narcissus*, Lord Arch-Bishop of *Armagh*, Primate and Metropolitane of all Ireland, in the time that he was Arch-Bishop of *Dublin*, did out of his generous inclinations (to the publick good of this Kingdom, for the propagation of the true Christian Religion, as by Law Established; and for the Encouragement of Learning, at his own great costs and charges) Erect and Build a fair large House upon part of the Garden or Ground, belonging to the House of Saint Sepulchers, which is the ancient Seat or Palace of the Arch-Bishops of *Dublin*, near to the City of *Dublin*: And has also by the consent of his Grace *William*, Lord Arch-Bishop of *Dublin*, fitted, prepared, designed and appointed, the second Story, or Floor of the said House, for a Publick Library for ever; for the use of all Persons who shall resort thereto, at the Hours appointed for the Library-keeper's attendance; and shall conform themselves to the Rules, Orders and Directions, of the Governors thereof, for the time being. And has also provided all things convenient for the better Order, Use and Standing of the Books therein, intended to be kept: And hath likewise fitted and prepared the Ground-rooms of the said House, for the accommodation of the Reverend

Mr. Elias Bouhereau, the present Library-keeper, and his Successors, Keepers of the said Library for ever. And hath also laid out a piece of Ground for a Court or Garden to the said House; and another piece of Ground for the enlargement of the said House, and making a convenient Passage therinto, for the Lord Arch-Bishop of Dublin, from his said Palace, when it shall be thought fit so to do. And to avoid any inconveniencies that might attend the Arch-Bishops of Dublin, by means of a publick Passage through their said Palace, hath made a convenient Way or Passage to the said House, from Saint Patrick's Close, with the consent of the Dean and Chapter of the Cathedral-church of Saint Patrick's, Dublin, and has inclosed the same with a Stone-wall, and placed a Gate at the entrance thereof; the said Way or Passage, containing Eighty Four Feet in length, and Nine Feet Six Inches in breadth, the said Ground whereon the said House is built, together with that which is laid out for making an addition to the said House, and for a Court or Garden thereto, containing Twenty Perches and One Hundred Sixteen Foot, Plantation Measure, be the same more or less; Bounded on the North by a parcel of Ground belonging to the Treasurer of Saint Patrick's, Dublin, Ninety Nine Feet and Six Inches; on the East, by a Garden belonging to the Arch-Bishop of Dublin's Palace, Fifty Four Feet, and by part of the said Palace Fifty Feet and Six Inches; On the South by the Back-way or Passage leading to the Arch-Bishop of Dublin's Palace, Sixty One Feet Six Inches, and by part of the said Palace, Thirty Five Feet; And on the West by the Church-yard of Saint Patrick's, Dublin, and by part of the Passage to the said Library from Saint Patrick's-Close, being together One Hundred and Two Feet.

And whereas the said Narcissus, Lord Arch-Bishop of Armagh, hath also Bought that very valuable Collection of choise and excellent Books, which was made by the learned Doctor Edward Stillingfleet, late Lord Bishop of Worcester, deceased, containing Two Thousand five Hundred Seventy and Four Books, in Folio, or thereabouts; Six Thousand Nine Hundred, Thirty and Eight in Quarto, Octavo, and lesser Volumes, besides many Pamphlets: And hath provided Iron Chains, Rods and Clasps, for the better preservation of the larger Books; and close Lattices, with Locks, for the safe keeping of the Books of the smaller size. All which said Books, together with the said Rods, Clasps, Lattices, and Locks, are declared by the said Narcissus, Lord Arch-Bishop of Armagh, from, and immediately after Passing of this present Act, to be by him bestowed on the Publick, and designed to be Lodged in the said Rooms, by him built, prepared and designed, for a Publick Library.

And whereas the said Elias Bohereau, in consideration of his being made Keeper of the said Library, hath Lodged a considerable number of Books in the said House, built by the said Narcissus, Lord Arch-Bishop of Armagh, (viz.) Three Hundred Seventy and Three Volumes in Folio, Three Hundred Eighty and Three in Quarto, One Thousand Three Hundred and Twenty Two in smaller Volumes, besides some Unbound Books; to the intent that the same shall from the time of the Passing this Act, for ever remain and be kept in the said Library, as his Gift; and as an addition to the said Library or Collection of Books so bought and given by the said Narcissus, Lord Arch-Bishop of Armagh, for the same use and purpose, and no other.

Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent the Lords Spiritual and Temporal and Commons, in Parliament Assembled, at the humble Suit of the said Narcissus, Lord Arch-Bishop of Armagh, William, Lord Arch-Bishop of Dublin, the Dean and Chapter of St. Patrick's, Dublin, and the said Mr. Elias Bohereau; That the House before mentioned to be built by the said Narcissus, Lord Arch-Bishop of Armagh, the Ground on which it stands, the Garden or Court, thereto belonging, and the other parcel of Ground, herein before mentioned, to be laid out for the enlargement of the said House, and for a way thereto from the Arch-Bishop of Dublin's said Palace, and the said Ground laid out for a way to the said House, from St. Patrick's-Close. And also all and every the before mentioned Books, Chains, Rods, Clasps, Locks and Keys; and also all the Classes, Shelves, Desks, Tables, and all other appurtenances to the said House and Library belonging, shall be, and are hereby actually settled and vested in the said Arch-Bishop of Armagh, for the time being; the Lord Chancellor of Ireland, for the time being; the Lord Arch-Bishop of Dublin, for the time being; the Lord chief Justice of Her Majesty's Court of Chief-Place in Ireland, for the time being; the Lord chief Justice of Her Majesty's Court of Common-Pleas

in Ireland, for the time being; the Lord chief Baron of Her Majesty's Court of Exchequer in Ireland, for the time being; the Dean of the Cathedral Church of the Holy Trinity, Dublin, for the time being; the Dean of the Cathedral Church of St. Patrick's, Dublin, for the time being; and the Provost of Trinity-College, near Dublin, for the time being, and their Successors for ever; in trust, and to, and for, the respective uses, intents and purposes, in this Act before mentioned, to be intended concerning the same respectively. And that the same shall remain, continue and be, in the said Trustees and their Successors, for ever unalienable; and without their being capable of forfeiting, Selling, or otherwise Disposing of the same, otherwise then as in this Act is hereafter mentioned: And also freed, and for ever discharged, of and from all Judgments, Statutes, Executions, Extents, Elegits; and of and from all other Incumbrances of what kind or nature soever: And also of and from all Right, Title, Interest, Claim or Demand, of him the said Narcissus, Lord Arch-Bishop of Armagh, his Executors or Administrators; and of the said William, Lord Arch-Bishop of Dublin, and his Successors; and the said Dean and Chapter of Saint Patrick's, Dublin, and their Successors for ever; and of the said Pr. Bohereau, his Executors or Administrators: And also freed, and for ever discharged, of, and from, all manner of Taxes; and of, and from all Chimney-Money, Hearth-Money and Lamp-Money; and of, and from, all manner of Taxes or Charges, hereafter to be imposed by Act of Parliament, unless the same shall be charged expressly, and by name, in and by such future Act or Acts of Parliament, any Law, Usage or Custom, to the contrary thereof, in any wise notwithstanding.

And for the better preservation of all the said Books, and of the said House and Library, with their, and every of their Appurtenances; and for making the said Library more useful to the publick, Be it further Enacted, That the Lord Arch-Bishop of Armagh, for the time being; the Lord Chancellor of Ireland, for the time being; the Lord Arch-Bishop of Dublin, for the time being; the Lord chief Justice of Her Majesty's Court of Chief Place, in Ireland, for the time being; the Lord chief Justice of Her Majesty's Court of Common-Pleas in Ireland, for the time being; the Lord chief Baron of Her Majesty's Court of Exchequer, in Ireland, for the time being; the Dean of the Cathedral Church of the Holy Trinity, Dublin, for the time being; the Dean of the Cathedral Church of Saint Patrick's, Dublin, for the time being; and the Provost of Trinity-College, near Dublin, for the time being; shall be, and are hereby created a Corporation or Body-Politick, for the purposes in this Act contained only; and appointed Governors and Guardians of the said House and Library built and erected by Narcissus, Lord Arch-Bishop of Armagh, for ever: And that they, the said Governors and Guardians, or any three or more of them, the Arch-Bishop of Dublin being present, and of that number. But in case the Arch-Bishop of Dublin be out of this Kingdom of Ireland, or be Sick, or during the vacancy of the said See of Dublin, that then, any five or more of the said Governors and Guardians, shall have Power and Authority, and are hereby Authorized to meet together from time to time, and as often as there shall be occasion to consider of, and to make such reasonable Rules and Orders for the better Government and Management of the said House and Library, as they shall think necessary and convenient: To which Rules and Orders by the said Governors and Guardians made, as aforesaid; the Library Keeper, for the time being, shall for ever be subject, and shall from time to time observe, on pain of being suspended from the said Office or Employment, and from the Income, Profits, Lodgings and Perquisites thereto belonging, at and during the pleasure of the said Governors and Guardians.

And be it further Enacted, That in case the said Library Keeper shall continue obstinate seven Days after his being suspended, as aforesaid, and will not observe the Orders, Rules and Directions of the said Governors and Guardians, that then, and in such case, the said Governors and Guardians, or any five or more of them, the Arch-Bishop of Armagh, or the Arch-Bishop of Dublin for the time being, being present, and of the said number, shall have Power; and are hereby Authorized to meet together, and to deprive and remove the said Library-Keeper, of, and from the said Office or Employment; and to take from him the Income, Profits, Lodging and Perquisites, to the said Office belonging, from the time of his continuing and being declared obstinate as aforesaid; and also that another Library-Keeper be nominated

and appointed in like manner, as if the Library-Keeper, so deprived or removed, were naturally Dead.

And be it further Enacted by the Authority aforesaid, That the said Master Elias Bohereau, be, and he is hereby declared Keeper of the said Library, for, and during his Life, subject, nevertheless, to and under the Rules, Conditions, Privileges and Regulations, herein expressed, touching and concerning the said Library-Keeper, for the time being: And that for his support and maintenance, and for the maintenance of the succeeding Keepers of the said Library, Your Majesty's most Loyal and Dutiful Subjects, the said Narcissus, Lord Arch-Bishop of Armagh, and the said William, Lord Arch-Bishop of Dublin, humbly beseech Your most Sacred Majesty, that it may be Enacted.

And be it Enacted by the Authority aforesaid, That whensoever either the Chantorship or the Treasurership of the Cathedral Church of St. Patrick's, Dublin, shall become void, that such of the said Dignities as shall first become void, shall be by Your Majesty, Your Heirs or Successors, or by the Arch-Bishop of Dublin, or his Successors, in whose Gift the same shall happen, to be conferred on the said Master Elias Bohereau, or the Keeper of the said Library for the time being, who shall enjoy the same, during his continuance in the said Employment, subject nevertheless, as a Dignitary of the said Cathedral Church, to all Jurisdictions, Visitations, Duties, and Penalties, to which the Chantor and Treasurer, of the said Cathedral Church, or either of them are subject. And in like manner as the said Chantor and Treasurer, or either of them, are, or were subject at the time of making this present Act, any thing in this Act contained to the contrary notwithstanding.

And if it shall happen that the said Library-Keeper shall be legally deprived of his said Dignity conferred on him, as aforesaid, that then upon certificate to the Guardians and Governors of the said Library, of such deprivation, the said Library-Keeper shall be by the said Guardians and Governors, or any three or more of them, also deprived of his Office of Keeper of the said Library, and another person shall be put in his place, as is before in this Act mentioned.

And be it further Enacted by the Authority aforesaid, That the nomination and appointment of a Library-Keeper, for the said Library, after the Death or Removal of the said Master Elias Bohereau, shall be, and is hereby vested in the Arch-Bishop of Dublin, for the time being; and that it shall and may be Lawful for the said Arch-Bishop of Dublin, for the time being, as often as there shall be occasion, upon the Death or Preferment of the Library-Keeper, for the time being, or upon the Surrender, Forfeiture, or other Abandonance of the said Office, to nominate and appoint a Library-Keeper, for the said Library; and that the Person so nominated and appointed, and none other, shall be the Library-Keeper for the time being, and be Intituled to the Lodgings or Apartments, under the said Library, or such part thereof as the said Governors and Guardians shall think fit, and the said Garden or Court thereto allotted, and to the Salary and other Perquisites to the said Office belonging. Provided the Person so nominated and appointed Library-Keeper be a Presbyter of the Church of England or Ireland, as by Law Established; and that he has taken his Master of Arts Degree in some of the Universities or Colleges of that part of Great-Britain, formerly and commonly called, England, or in Ireland; and that before his admission to the Office of Library-Keeper, he shall give to the said Guardians and Governors Security, to the value of Five Hundred Pounds, Sterl. by Recognizance with sufficient Sureties, that none of the said Books shall be lost, or otherwise imbezelled, and shall also take the Oath following, (viz.)

I A. B. do Swear, That I will use my utmost Care and Endeavour to preserve all the Books, and other things, that are, or shall be committed to my Charge by the Governors and Guardians of the Publick-Library, Built and Erected by Narcissus, Lord Arch-Bishop of Armagh, at, or near to St. Sepulchres, Dublin; and that I will not wittingly or willingly suffer any of the said Books (during my continuance in the Office of Library-Keeper) to be lent abroad, given away, or imbezelled, or to be any wise damaged through my default; and that I will, to the utmost of my Power, observe all Statutes, Rules and Constitutions already made, or hereafter to be made concerning the Office of the said Library-Keeper, while the same shall continue in force, and I shall continue in the said Office.

So help me God.

Which

Which said Oath the said Arch-Bishop of Dublin, for the time being, or in case of his absence from Dublin, Sicknes, or vacancy of the said See, any Two or more of the said Governors and Guardians, are hereby Authorized and Impowered to Administer, and to Tender the same.

And be it further Enacted, That all Lands, Tenements, Sum or Sums of Money, Books Printed and Manuscripts, and all other things of what Kind or Nature soever, which shall at any time, after the passing this Act, be given or disposed of, whether Personally, or by Deed or Will, to the use of the aforesaid Library, or Office of Library-keeper, shall be vested in the said Governors and Guardians of the said Library, for the time being, to the use of the said Library, or Library-keeper for ever; and to such other uses, intents and purposes, as shall be declared or appointed by the Person or Persons giving, granting or devising the same; and to no other use, intent or purpose whatsoever, unalienable, and without their being capable of forfeiting, Selling, or otherwise Disposing of the same, otherwise then as in this Act hereafter mentioned.

And that the said Governors and Guardians, for the time being, in their own Names, as by the Title of the Governors and Guardians of the Library, Created by Narcissus, Lord Arch-Bishop of Armagh, at or near to Saint Sepulchres, Dublin, shall have Power, and are hereby Authorized and Impowered and Enabled to accept, take and receive, all such Gifts, Grants and Legacies, and to stand and be seized and possessed thereof for ever, to the uses and under the trusts aforesaid; and be capable to Sue for the same in any Court of Law or Equity, the Statute of Mortmain, and all other Laws, Statutes, Usages or Customs, to the contrary thereof in any wise notwithstanding.

Provided always, and be it further Enacted, That if any Person or Persons shall at any time or times hereafter, bestow (for the support of the said Library-keeper, and the succeeding Library-keepers) the Sum of One Hundred and fifty Pounds per Annum, or more, for ever; that then the aforesaid Dignity, conferred on the said Library-keeper, shall immediately, upon the next avoidance of the said Office, be disposed of by such Persons to whom the Disposal thereof shall of right belong, in such manner as if this Act had never been made.

And when any such Yearly Sum, as aforesaid, shall be given for the support of the said Library-keeper, that then, and in that case, the Nomination of the Library-keeper, when the said Office shall become vacant, after the said Gift, shall be in such manner as the said Governors and Guardians, and such Person or Persons who gives such Annual Sums, shall direct and appoint; and that then, and in that case, the said Persons hereby required and impowered to nominate a Library-keeper, shall not be obliged to choose a Presbiter, but from and after the time of the said Dignities being separated and taken away from the said Office, shall be, and are hereby impowered to choose any Person otherwise qualified, as aforesaid, for the said Office, any thing in this Act contained to the contrary thereof, in any wise notwithstanding.

Provided always, That it may be Lawful for the said Guardians and Governors, or any three or more of them, to change any Book or Books which shall hereafter be given to the said Library, and whereof there are Duplicates in the same for other Books to be put into the said Library, or to Sell such Duplicates and with the Money arising, by the Sale thereof, to Buy such other Books as they shall think proper to be put into the said Library; any thing in this Act contained to the contrary notwithstanding.

And to perpetuate the Memories of all such as shall hereafter be Benefactors to the said Library, and to the intent that all who are desirous to know may be informed how all Legacies, Sum or Sums of Money, Lands, Tenements, or other the Premises, which hereafter shall be given to the use of the said Library, are applied and disposed of by the Guardians and Governors thereof.

Be it further Enacted by the Authority aforesaid, That the Library-keeper, for the time being, shall in a large Tallow or Parchment Book prepared and given by Narcissus, Lord Arch-Bishop of Armagh, for that purpose, Enter and Keep an exact Account of all Gifts, Grants, Sum or Sums of Money, Books, and of all other things, which shall be hereafter given for the use of the said Library, together with the Names of the Benefactors, the place of his, her or their Abode, and to what uses the same were given, and how the same have been, and are applied and disposed

sed of by the Governours and Guardians of the said Library; and that the said Book shall be Signed by the Library-keeper, for the time being, and by him shall be Exposed to view in the most publick Place of the said Library.

And be it further Enacted by the Authority aforesaid, That the Library-keeper for the time being, or some other Person to be appointed by the Governours and Guardians of the said Library, or any three or more of them, from time to time as there shall be occasion, shall in a fair Tellow or Parchment Book, prepared for that purpose by the said Narcissus, Lord Arch-Bishop of Armagh, Enter or cause to be fairly Written and Drawn this present Act of Parliament, together with a Map or Plan of the Ground hereby vested in the said Guardians and Governours, and all such Rules and Orders, as shall be made by the said Governours and Guardians from time to time, pursuant to this Act; and that the said Book, containing the said Act of Parliament, Map or Plan of Ground, and Rules and Orders, after they are Signed by the said Governours and Guardians, shall be Exposed to view in the most publick Place of the said Library.

And be it further Enacted by the Authority aforesaid, That the said Guardians or Governours, or any three or more of them, whereof the Arch-Bishop of Dublin (unless then Sick, or out of this Kingdom, or that the said See shall happen to be then Vacant) shall always be one; and in case of such Absence or Sicknes, that one of the Governours, aforesaid, whom the said Arch-Bishop, shall under his Hand and Archbishopial Seal, appoint to be present and of that Number, shall on the second Thursday in the Month of October, in every Year, Personally Visit the said Library, and Inspect the State and Condition of the same, and of every thing therein contained; and at such their Visitation make such Orders and Rules, and give such Directions concerning the same, as to them, or the Major part of them, shall seem necessary and convenient; and that the said Guardians and Governours may Adjourn their said Visitations to such further time or times, as they, or the major part of them shall think fit.

And be it further Enacted by the Authority aforesaid, That the Library-keeper, for the time being, shall prepare on, or before the first Visitation of the said Library, three fair Catalogues of all the Books and other particulars in the said Library, contained; which Catalogues shall be Signed by the said Library-keeper, together with the Names and Titles thereof; one of which shall be constantly kept in the said Library, another shall be delivered by the said Library-keeper, to the said Guardians and Governours, who shall Deposit the same with the Arch-Bishop of Dublin, to be kept by his Grace, and his Successors for their Use; and the third shall be Lodged in the Registry of the Arch-Bishop of Dublin: But in case it appears to the said Guardians and Governours, that the said Library-keeper cannot prepare the said Catalogues, within the time above mentioned, limited and expressed, that then the said Guardians and Governours shall allow the said Library-keeper such further time for the preparing the same, as to them shall seem convenient.

And if it shall happen that at any time hereafter, the said Library shall be enlarged or augmented, be it further Enacted, That the said Library-keeper, for the time being, shall from time to time, as often as occasion shall require, make three fair Catalogues of all such Books and other Particulars, wherewith the said Library shall be so Enlarged and augmented, and the same Signed by him, shall deliver to the said Guardians and Governours at their next Visitation of the said Library, after such augmentation or enlargement; one whereof shall be by them Deposited in the said Library, another left in the Custody of the Arch-Bishop of Dublin, for the time being, for the Use of the said Guardians and Governours; and the third shall be Lodged in the Registry of the Arch-Bishop of Dublin. And whereas it is necessary that the said Governours and Guardians should have due Notice of the time and place for their Meeting to Execute the Trust reposed in them by this Act, Be it further Enacted, That the Arch-Bishop of Dublin, for the time being, or in case of his Absence or neglect, that then any two of the said Governours and Guardians are hereby directed to give due Notice, or send Summons to each of the said Governours and Guardians, of the time and place intended for the Meeting of the said Governours and Guardians for the purposes aforesaid, Twenty Four Hours, at the least, before the time of such Meeting.

And be it Enacted by the Authority aforesaid, That the said Elias Bohereau, and all and every his Successors, Keepers of the said Library, shall from time to time, and

at all times hereafter, as often as need shall require, keep, Support, and Maintain the said Library, and the Buildings thereof, in good and sufficient Repair, at his and their own proper Costs and Charges; and in case he or they shall neglect the same, the Arch-Bishop of Dublin, for the time being, and his Successors, shall, and may, receive so much of the Revenue of the said Library-keeper, hereby granted, as shall be necessary for such Reparations, and to apply the same accordingly.

And that from and after the said Chantry shall fall, and be enjoyed by such Keeper of the said Library, the said Arch-Bishop, and his Successors, shall, and may, suspend such Keeper of the Library, as aforesaid, neglecting to keep the same in Reparation, ab Officio & Beneficio, until the same shall be sufficiently Repaired, as aforesaid.

And whereas the Rectory of Burgage, alias Blessington, is Part and Parcel of the Corps of the said Chantry of St. Patrick's, and the Vicaridge of the said Parish of Burgage is very small, and insufficient to Support the Incumbent that has Cure of Souls in the said Parish, Be it Enacted, That it shall be Lawful to and for the Lord Arch-Bishop of Dublin, for the time being, with the Assent and Consent of the Chantor, for the time being, and of the Dean and Chapter of St. Patrick's, Dublin, out of the Tithes belonging to the said Chantor in the said Parish, to Augment the said Vicaridge, to the Value of any Sum not exceeding Fifty pounds per Annum.

And whereas there hath been a Union of the said Parish, to the Parish of Ballymore-Eustace, which is found very inconvenient, Be it Enacted, That the said Augmentation shall not take Effect in Possession, until the Incumbent of the said Vicaridge, shall consent that the said Union be Dissolved; and from and after such consent of the present Incumbent in case he shall consent thereunto, and from and after Avoidance of the said Vicaridge, by Death or Cession of the present Incumbent thereof, the said Union of the said Parishes shall be actually Dissolved; and the said United Parish of Burgage and Ballymore-Eustace, shall from thenceforth be, and become two distinct and separate Parishes, as they were before the said Union, any Statute, Law, Act or Thing, to the contrary notwithstanding.

Saving, nevertheless, to Her Majesty, Her Heirs and Successors; and saving to all other person or persons, Bodies Politick and Corporate, their Heirs, Executors, Administrators and Successors, other then the said Narcissus, Lord Arch-Bishop of Armagh, and his Executors and Administrators, and the said William, Lord Arch-Bishop of Dublin, and his Successors; and the said Dean and Chapter of the Cathedral Church of Saint Patrick's Dublin, and their Successors; and the said Elias Bohereau, his Executors and Administrators, all such Right, Title, or Interest, as they, or any of them had, or may, or might have to the said House, Ground, Books, and any other the Premises herein mentioned, and intended to be Vested in the aforesaid Trustees, for the respective Uses, Intents and Purposes before mentioned, as if this Act had never been made.

CHAP. XX.

An Act for Cleansing the Port, Harbour, and River of *Dublin*, and for Erecting a Ballast-Office in the said City.

Whereas the River Analiffy, which divides the City of Dublin, and makes the Port thereof, is become extremely Shallow, and well nigh Choaked from the Bridge, commonly called, Arran's Bridge, to the Barr of the said Port, to the great Detrement of Trade, and to the manifest Hazard of the Shipping resorting to the said City; which Mischiefs have been principally Occasioned by the Licentious and Irregular taking of Ballast, and breaking the Banks of the Channel, for want of proper Laws for Regulating them, and in what Manner, the Shipping resorting to the said Port and Harbour, shall demean themselves, in Relation to their throwing out, or taking in, of their Ballast.

Is b

And

And whereas the Lord-Mayor, Sheriffs, Commons and Citizens of Dublin, have humbly Petitioned His Royal Highness, Prince George of Denmark, Lord High Admiral of Great-Britain and Ireland, that His Highness would Intercede with Your Majesty, for Your Gracious approbation of a Bill for Creating a Ballast-Office, in such manner as is herein after expressed.

May it therefore Please Your most Excellent Majesty, at the Request of His Royal Highness, that it may be Enacted.

The Lord-Mayor, Commons and Citizens, may create a Ballast-Office, &c.

And be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament Assembled, and by the Authority of the same, That it shall and may be lawful, to and for the Lord-Mayor, Sheriffs, Commons and Citizens, of the City of Dublin, at any time after the first Day of May, which shall be in the Year of our Lord, One thousand seven hundred and eight, to Erect or cause to be Erected in the said City of Dublin, one Office; which, from thenceforth, shall be called and known by the Name of the Ballast-Office of the Port of Dublin; to the end that all Ships which shall thenceforth resort to the said Port and Harbour, may be furnished with Ballast by the said Office, and not otherwise; and the Lord-Mayor, Sheriffs, Commons and Citizens of the City of Dublin, are hereby required, at, or before the said first Day of May, to Erect, or cause to be Erected, such Ballast-Office, as aforesaid, in some proper or convenient Place, in the said City, to be always under the Government, Inspection and Direction of the said Lord-Mayor, Sheriffs, Commons and Citizens, of the said City of Dublin, who are hereby Constituted and Ordained Keepers, and Conservators, of the Port of Dublin; and Impowered to make such Orders, Rules and By-laws, for the well Government of the said Office, and for the Cleansing of the said Channel, and for Securing of all Ships as shall come into the said Port as shall from time to time be Approved, Ratified and Confirmed by the Lord Lieutenant, or other chief Governor or Governors of this Kingdom, and Sir or more of the Privy-Council of the same.

The Lord-Mayor, &c. to provide a sufficient number of Lighters or Gabbards, to furnish all Ships with Ballast in 24 hours after Notice given.

And be it further Enacted by the Authority aforesaid, That the said Lord-Mayor, Sheriffs, Commons and Citizens, of the City of Dublin, shall provide a sufficient number of Lighters or Gabbards, together with Workmen, Tools and Engines, as shall be sufficient for the raising the Ballast in any part of the Channel of the said Harbour or River, as shall be by them judged Expedient, within the Werge of the County of the said City, to the lower part of the Bar, in the said Port; and shall furnish all Ships within the said Port with Ballast, at the Rates herein after mentioned, Twenty Four Hours after Notice given, by the Commanders or Masters of the said Ships, to the proper Officer of the Ballast-Office, for that purpose, to be appointed to receive such Notifications, so as Wind and Weather will permit; and in case Wind and Weather will not then permit them so to furnish Ballast, then within Twelve Hours after Wind and Weather will permit.

Sunday no part of the 24 Hours.

Provided always, That the Lord's Day (commonly called, Sunday,) shall not be accounted any part of the Twenty four Hours, or Twelve Hours aforesaid, the said Ballast to be brought to the Sides of the Ships as shall have occasion for the same, and thence immediately thrown into such Ship or Ships, by the Crew of the said Ships respectively.

Forfeiture in keeping or delaying the Gabbard.

And to the end that the said Lighters be no longer detained then is necessary; For prevention of such Delays, Be it Enacted by the Authority aforesaid, That in case the Crew of the said respective Ships, shall neglect or refuse to cast In, or cast Out their Ballast, so as to occasion any unreasonable or unnecessary Delays therein, that then, or in such case, the Commander, or Master, of each Ship, respectively so Delaying, shall pay, or cause to be paid, to the Master of the Ballast-Office, for the time being, (for the Damage which the said Ballast-Office shall sustain) such Sum or Sums of Money as the Lord-Mayor of the said City, for the time being, shall in a Summary Manner, finally Judge and Determine, so as that the said Sum do not exceed Twelve pence, for each Hour each Lighter shall be unnecessarily Detained, by the Neglect or Default of the said Commander or Master, or by the Neglect or Default of the Crew of such Ship or Ships as aforesaid.

And

And be it further Enacted by the Authority aforesaid, That every Ship belonging to Great-Britain, or to Ireland, that shall not take in any Ballast, in, or above Salmon-Pool, from the said Office, shall pay, or cause to be paid, to the Officer appointed to keep the said Ballast-Office, as aforesaid, Twelve pence per Tun, for every Tun so delivered; and for each Tun delivered below Salmon-Pool, fifteen pence per Tun; and all and every Ship or Ships belonging to Foreigners, shall pay for Ballast, one third part more per Tun, than what is, aforesaid, charged on British or Irish Ships;

What ships of Great Britain or Ireland to pay, and what Foreigners.

And in regard the Mending and Cleaning of the said River and Port, will be of great Use to all Ships which shall come within the Bar of the said Port, as well such as shall have occasion for Ballast, as others, and to all Lighters, Gabbards and Wherry's, within the said Port, and that a great and constant Expence will be requisite to accomplish and carry on the said Work, Be it therefore Enacted by the Authority aforesaid, That from and after the said first Day of May, which will be in the Year of our Lord, One thousand seven hundred and eight, all British and Irish Ships which shall come within the said Bar (Ships in Her Majesty's, Her Heirs and Successors Pay only excepted) shall pay unto the said Office Two pence per Tun, for every Tun such Ship or Ships shall be Burthen, over and above the Money payable for Ballast, as aforesaid, in case that they make use thereof; and every Foreign Ship, so coming within the said Bar, as aforesaid, shall pay Three pence per Tun over and above the Ballast Money, in case that they also make use thereof, which Tunnage, as well in British and Irish Ships and in Foreign Ships, shall be computed by outward Gauging of the said Ships respectively, and not otherwise; and the Master of the said Ballast-Office, for the time being, and all and every other Officer and Officers, for that purpose, as aforesaid, appointed, or to be appointed, is, and are hereby Impowered to make such outward Gauge of all and every such Ship and Ships as shall come into, or go out of the said Harbour, from time to time, as they shall see occasion for the doing thereof.

All British and Irish Ships except Her Majesties, to pay 2 pence per Tun, and Foreigners 3 pence per Tun.

And likewise, Be it Enacted by the Authority aforesaid, That from and after the said first Day of May, all Lighters, Gabbards, and Wherry's, which shall be usually Employed in the said Port or River, below the Bridge, commonly called, the Wooden-Bridge, in the City of Dublin, aforesaid, shall pay, and their respective Proprietors and Owners shall be charged with the Payment of, to the said Ballast-Office, the respective Sums of Money herein after mentioned (that is to say,) For every Wherry, five Shillings fine, and five Shillings per Annum, during such Wherry's being kept on the said River, Port or Harbour; and every Gabbard or Lighter (other then the Lighters belonging to the said Ballast-Office) ten Shillings fine, and ten Shillings per Annum, for and during such Gabbards or Lighters being kept on the said River, Port or Harbour.

The Rates for all Wherry's & Gabbards, &c. that is below the Wooden-Bridge, &c.

And to the end that the said respective Duties due, and payable as aforesaid, may be more effectually Paid and Levied, Be it further Enacted by the Authority aforesaid, That it shall not be Lawful to and for the Officers of Her Majesty's Customs-House in Dublin, to Clear and Discharge any Ship or Ships Outward Bound, or to permit any Ship or Ships Outward Bound to sail, till the Commander or Master thereof shall have brought a Discharge from the Master of the Ballast Office, Testifying such Ship or Ships, to have Paid and cleared their Ballast Money, in case they took in Ballast; and likewise all and singular the Duties by this Act, as aforesaid Imposed; which Discharge shall be immediately granted without Fee or Reward, Fraud or Delay; in case of Refusal or Delay, that then the Master of the Ballast-Office so Refusing or Delaying, shall forfeit Forty Shillings (for every such Refusal or Delay) to the Master of such Ship, to be Recovered in a Summary way before the Lord-Mayor of the said City for the time being, and to be Levied by Distress, on Warrant of the said Lord-Mayor, and by Sale of the Goods and Chatties of such Master of the said Office.

No Ship to be cleared Outward without a Certificate from the Ballast-Office.

And be it further Enacted by the Authority aforesaid, That all and every the Sum and Sums of Money arising, growing due, or Levied from time to time, by Force and Virtue of this Act (incident Charges, Salaries, and necessary Expences

All Sums of Money to be employed in mending and

Cleaning the River, the Overplus to the Blew-Coat Hospital.

of the said Ballast-Office, being first paid and deducted) shall from time to time be Employed in amending and Cleaning the said River and Port: And in case that there shall be any Overplus remaining, the same shall be applyed towards the Support and Maintenance of the Hospital of Blew-Coat-Boys in the said City.

The Lord-Mayor to lay the Accounts once in three Years before the chief Governors and Council, the forfeiture for neglecting or relating.

And to the end that the same may be effectually done, Be it Enacted by the Authority aforesaid, That the Lord-Mayor, Sheriffs, Commons and Citizens of the City of Dublin, shall once in every three Years, lay before the Lord Lieutenant General, and General Governour of this Kingdom, Lord Deputy, or other Chief Governour or Governours of this Kingdom, and Council, a true and perfect Account of the Annual Produce of the said Sum and Sums of Money as aforesaid Charged, and also how the same have been applyed; which Account shall be upon Oath of the Officer or Officers concerned in Receiving or Paying thereof (if so be that they shall be thereunto required): And in case the said Mayor, Sheriffs, Commons and Citizens shall refuse or neglect to Account, according to the meaning of this Act, that for every such Refusal or neglect, they shall forfeit the Sum of One Hundred Pounds Sterl. to be recovered by any person who shall sue for the same in the Courts of Queens-Bench, Common-Place, or Court of Exchequer, by Bill, Plaint, or Information, in which no Essoyn, nor any more than one Imparllance shall be allowed; and the same shall be Tryed by a Jury of the County of Dublin, one Half thereof to be given to the Informer, and the other Half to the Use and Benefit of the Poor-House, near the said City.

The Lord-Mayor, &c. to put in Officers and Establish Salaries.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord-Mayor, Sheriffs, Commons and Citizens of the City of Dublin, from time to time (for ever) hereafter, to nominate, Constitute and Appoint such Officer or Officers as they shall think fit and proper for the Execution of the several Branches of the said Ballast-Office; and to Establish such Salaries and Allowances to them, and every of them respectively, out of the Produce of the Duties herein before Vested in the said Office, as to the said Lord-Mayor, Sheriffs, Commons and Citizens, shall seem meet and reasonable; and the same to Increase and Diminish, as to them shall seem reasonable; so as the same from time to time shall be Ratified, Confirmed and approved of by the Chief Governour or Governours, and six or more of the Privy Council of this Kingdom, for the time being.

And to the Intent that no Ashes, Dirt or Filth, may for the future be cast into the said River, or into any Common-Shoars in the said City of Dublin, or Liberties thereunto adjoining, to the Annoyance of the said River Annality.

The forfeiture for casting any Ashes, Dirt or Rubbish into the River, or any Stream that runs into it.

Be it Enacted by the Authority aforesaid, That every person or persons who shall cast any Ashes, Dirt, Filth or Rubbish into the said River, or into any Shoar or Stream that empties it self therein, within the said City or Liberties thereunto adjoining, being in a Summary manner thereof Convicted upon Oath, before the Lord-Mayor of the said City for the time being, or before any one or more of the Justices of the Peace of the County of the said City, or County at large, for Crimes aforesaid, committed within their respective Authorities, shall forfeit (for every such Offence) the Sum of five Shillings, for the Benefit and Advantage of every such person or persons as shall and will discover and prosecute the same; which said Sum of five Shillings, shall, and may be Levied by Distress and Sale of the Goods and Chattles of the Offenders, by the Warrant of the said Lord-Mayor, or Justice of the Peace, before whom the Party was Convict, returning the said Parties the Overplus: And in case the said Offender or Offenders have not wherewithal to satisfy and pay the Sum of five Shillings, that then, and in such case, it shall be lawful to and for the said Lord-Mayor or Justice of the Peace respectively, to send the said Offender or Offenders, to the House of Correction, to be once Whipped, or kept to hard Labour at his Discretion, so as the Confinement of the said Offenders, to the said House of Correction, may not for any one Fault, exceed the Number of Four Days.

All Ballast to be taken out of the Chan-

And for the more effectual Cleaning of the Channel of the said Port and River, Be it Enacted by the Authority aforesaid, That all Ballast that shall be taken from

from and after the said first Day of May, One thousand seven hundred and eight, shall be taken out of the Channel of the said River of Annahiffy, and not from any part of the Strand or Banks within the Bar of the said Port, nor carried from one Ship to supply another, and that no Ballast shall be thrown out of any Ship into the said Port or River within the Bar, nor into any part of the said Harbour beyond the Bar, upon pain of forfeiting (for each of the said Offences) the Sum of Twenty Pounds Sterl. to the Mayor, Sheriffs, Commons and Citizens of Dublin, for the Benefit and Advantage, and to the Use of the said Ballast-Office, to be Recovered by Action of Debt, Bill, Plaint or Information, in any of Her Majesty's Courts of Record, wherein there shall be no Escoyn, Protection or Wager of Law, or more than one Imparllance granted, and that every Issue thereon arising, shall and may be Tryed by a Jury of the County of Dublin, any Law, Statute, or Usage to the contrary notwithstanding.

nel, and not from the Strand or Banks, &c.

And to the end that all and every of the Ships resorting to the said Port of Dublin, may be eased of their Ballast without delay; Be it Enacted by the Authority aforesaid, That from and after the first Day of May, One thousand seven hundred and eight, the several Lighters to be employed in the said Service, shall from time to time, within twenty four hours after Notice, as aforesaid, repair to such Ship or Ships which shall come into the said Port of Dublin, and thence take and receive into such Lighter or Lighters all such Ballast as shall be on Board such Ship or Ships; for Recompence whereof, the Commander or Master thereof, in case the same be British or Irish Ships, shall pay Six pence per Tun for every Tun of such Ballast; and in case the said Ship or Ships be Foreign; then, and in that case, the Commander or Master shall pay Eight pence per Tun, and no more.

Ballast Gabbards, &c. to repair in 24 hours to unload the Ballast.

And be it further Enacted by the Authority aforesaid, That no person or persons, from and after the said Day of May, One thousand seven hundred and eight, shall presume to take up any Ballast into their Ship or Vessel, but from such person or persons as shall be thereunto appointed by the Lord-Mayor, Sheriffs, Commons and Citizens of Dublin, or those employed by them, on pain of forfeiting, for every such Offence the Sum of five Pounds, to be recovered in a Summary way before the Lord-Mayor of the said City, as aforesaid, for the Use of the said Office.

And to the end that no Commander or Master of any Ship or Ships, resorting to the said Port of Dublin, may have just Cause of Complaint, that his Voyage is Retarded by neglect of the said Officers of the said Ballast-Office, or that he Suffers for Want of removing his Ballast; Be it Enacted by the Authority aforesaid, that in case the Governor or Officers of the said Ballast-Office, or their Servants, shall Neglect or Refuse to take off, or bring in Ballast, to any Ship or Ships within the said Bar, at the respective times appointed for doing thereof, as aforesaid, that then it shall and may be lawful, to and for the Commander and Master of such Ship or Ships, at any time after notice given of such Neglect, to the Lord-Mayor of the said City, for the time being, to Employ any other Lighter or Lighters, Gabbard or Gabbards, for the doing thereof; which said Lighter or Lighters, Gabbard or Gabbards, so by them as aforesaid, Employed are hereby Authorized and Qualified to take up so much Ballast, in the Channel of the said Port or River only, as shall be requisite for Ballasting of such Ship or Ships, so as aforesaid neglected, or carry off such Ballast as shall be in such Ships Arriving into Port, in case the Master or Officers and Servants of the said Ballast-Office, shall Refuse or Neglect the same. within the prescribed Days and Times aforesaid; and in every such Case, upon Oath thereof made before the Commissioners of the Customs, every such Master of any Ship or Vessel shall have his Discharge and Clearings out of the said Port, as if he had produced such Certificate from the Master of the Ballast-Office, as aforesaid: And every Lighter or Gabbard, which shall be so Employed, either in the Loading or Unloading of the Ballast, as aforesaid, on occasion of such Neglect of the said Ballast-Office, shall be exempted from the Payments of any Duty or Poll to the said Ballast-Office for one Year.

If the Ballast-Office neglects, he may employ any other Gabbard, &c. and the Gabbard to be free for a Year.

And to the end that the Lighters to be employed by the said Ballast-Office, may give good Attendance to the Service of the said Office: Be it Enacted by the Authority aforesaid, that every Gabbard, &c. that be-
C c
rity long to the

Office, to carry any Goods to Shipping to be made use of as a publick AQ.

city aforesaid, That no Lighter or Lighters, taken into the Service of the said Ballast-Office, shall at any time carry any Goods, Wares or Merchandizes of any sort, to, or from any Ship or Ships, in the said Port or River, on pain of forfeiting of treble the value of the Gabbarage or Portage of such Goods or Merchandizes, to the Party that shall Discover the same; to be recovered in a Summary manner before the Lord-Mayor of the City of Dublin, for the time being.

Be it further Enacted by the Authority aforesaid, That all and every the Officers and Servants imployed to execute this Act, or any part thereof, shall be at liberty to Plead and make Use of this Act, in all, or any of Her Majesty's Courts of Justice, in like manner, as if the same were a Publick Act of Parliament; and the same as a Publick Act shall be Esteemed, Deemed, and taken, in all Courts of Justice in this Kingdom.

Acts and Statutes made in a Parliament begun at *Dublin* the Twenty First Day of *September*, Anno Dom. 1703. In the Second Year of the Reign of Our most Gracious Sovereign Lady Queen *Anne*: And continued under His Excellency *Thomas* Earl of *Wharton*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Fifth of *May*, 1709. Being the Fourth Session of this present Parliament.

C H A P. I.

An Act for the better Securing to Her Majesty the Payment of such Duties as shall be Granted to Her Majesty, this Session of Parliament.

C H A P. II.

An Act for Granting to Her Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, Callicoos, Linnens, and other Goods and Merchandizes; And also, a Duty on Rock-Salt.

C H A P. III.

An Act for Explaining and Amending an Act, Intituled, *An Act to prevent the further growth of Popery.*

WHEREAS an Act made in this Kingdom in the Second Year of the Reign of Her present Majesty, Intituled, An Act to prevent the further Growth of Popery. Has been eluded, by making of Settlements on Papists, by granting Annuities for Lives, in Tail and Fee-Simple, and by perfecting Collateral Securities, as Judgments, Recognizances and Statutes Detrazaenced, for performing the Covenants in such Deeds of Annuity, and for answering private Trusts for the benefit of such Papists, under so long and pretence that Annuities being only personal, and not real Inheritances, are not comprehended within that Clause of the said Act, whereby Papists are disabled from purchasing Lands and Tenements: For Remedy whereof, and for avoiding all disputes that may arise thereon, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That no Papist, nor any other person or persons in Trust for any Papist, shall from and after the Tenth Day of May, One thousand seven hundred and nine, be capable to take, have, or receive, any Annuity for Life, or Term of Years determinable on any Life or Lives; or for any greater or lesser Estate any ways chargeable on, or that may affect any Lands, Tenements or Hereditaments; and that all Judgments, Statutes of the Staple or Merchant, Recognizances, and all and every other Security and Securities whatsoever, which at any time hereafter shall be Enter'd into, acknowledged, made or perfected to any Papist or Papists, or to any other person or persons in Trust for, and to the use of such Papist or Papists, for the securing of any such Annuity or Annuities, or performance of any such Trust, and every Judgment or Judgments obtained, had or to be had, on such Annuity, as far only as such Judgment or Judgments may affect any Lands, Tenements or Hereditaments of such Papist or Papists, shall be, and are hereby declared to be Null and Void to all intents and purposes.

No Papist nor any in Trust for them, to receive any Annuity for Term of Years or Life, and all Judgments void, &c.

Provided nevertheless, That any Papist to whom such Annuity shall or may be granted, may upon Judgment obtained, take out Execution against the person or personal Estate of such Grantor.

Execution may be taken out, &c.

And be it further Enacted by the Authority aforesaid, That where and as often as any Child or Children of any Popish parent or parents, hath or have heretofore professed or conformed him, her or themselves, unto, or shall hereafter conform him, her or themselves, to the Protestant Religion as by Law Established, and Enroll on the High Court of Chancery, a Certificate of the Bishop of the Diocess in which he, she or they shall Inhabit or Reside, testifying his, her or their being a Protestant or Protestants, and conforming him, her or themselves, to the Church of Ireland as by Law Established, it shall and may be Lawful for the High Court of Chancery upon a Bill founded upon this Act, to oblige the said Popish parent or

The Case of Popish Children reformed.

parents.

parents, to discover upon Oath the full value of all his, her or their Estate, as well personal as real, clear over and above all real Incumbrances and Debts contracted Bona fide for valuable consideration before the Enrolment of such certificate, and thereupon to make such Order for the support and maintenance of such Protestant Child or Children, by the distribution of the said real and personal Estate to and among such Protestant Child or Children, for the present Support of such Protestant Child or Children, and also to and for the portion or portions, and future maintenance or maintenances of such Protestant Child or Children, after the decease of such Popish parent or parents as the said Court shall Judge fit, by which Order, the real and personal Estate of such Popish parent shall be charged with such portion and portions, future maintenance and maintenances, and support from the time of the Enrolment of such certificate as aforesaid, notwithstanding any fraudulent Gift or Sale, or voluntary disposition, or any voluntary charge or incumbrance, by Statute Staple, Judgment, Bond, Devis, or otherwise, made, entered into, acknowledged, suffered or done after the Enrolment in the High Court of Chancery, of the certificate aforesaid, Provided, That such Order and Distribution among the Protestant Children of such Popish parent, shall not exceed one third part of the personal and real Estate for the maintenance and support of such Protestant Child or Children, during the life of such Popish parent.

Against fraudulent Leases, and the remedy.

And whereas such Popish parents do frequently set up such fraudulent Settlements and Incumbrances, and make fraudulent Leases at low and inconsiderable Rents, to make their Estate real and personal appear small and of little value, in order to deprive such of their Children as shall become Protestants of a reasonable support and maintenance, and such devices are carried on and concealed with so much subtilty, that it is difficult to discover the same, so that the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, not having the truth of the matter laid before him or them, may often Decree less portion and maintenances than he or they otherwise would have done, if the true circumstances of such Popish parent or parents, had truly and fairly appeared to him or them.

On the increasing of the Estate.

And whereas the Estate of such Popish parent or parents may increase and become better after such portions and allowances made by the Court of Chancery, and yet after such Decree is made up and Enrolled, it may be doubted, whether the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal, can increase such portion or maintenances, notwithstanding it should be discovered and made appear to him or them, that the Estate real or personal of such Popish parent or parents, was much greater than at the time of the Decree it appeared to be, or that such Popish parent or parents had increased or improved his, her or their Estate: For remedy whereof, Be it further Enacted by the Authority aforesaid, That notwithstanding any such Decree made up or Enrolled, it shall and may be Lawful for the High Court of Chancery from time to time, upon a new Bill or Bills founded upon this Act, to increase or augment such portion or portions, maintenance or maintenances, formerly decreed or allowed to such Protestant Child or Children of such Popish parent or parents, according to the value of the Estate real or personal of such parent or parents, at the time of such new Bill or Bills preferred.

If the Bill be groundless, the remedy.

Provided always, That if it shall appear to the said Court that such new Bill or Bills are groundless and veracious, that then the said Court shall dismiss the same, and award full costs to the Defendant, to be Levied as costs in other cases are usually Levied.

Those that Levied Fines between the first of January 1703, and the Twenty Fourth of March following.

And inasmuch as many Irish Papists of this Kingdom, in order to defeat and elude the said Act of Parliament To prevent the further Growth of Popery. Did between the first Day of January, One thousand seven hundred and three, and the Twenty Fourth of March following, Levy and suffer Fines and Recoveries of their several Estates whereof they were Seized in Tale, in order to bar all remainders that were then vested, or afterwards might vest in any Protestants; And likewise did make such dispositions and voluntary conveyances of the same, and other their Estates whereof they were Seized in Fee-simple, as that the said Estates might never come to any English Man or Protestant, or any that should turn Protestant, and qualify themselves according to the intent, purport and encouragement of the said Act To prevent the further Growth of Popery.

Conveyances made to cut off the Protestant Heir, void.

For remedy whereof, and for further explanation of the said Act, Be it Declared and Enacted by the Authority aforesaid, That all and every Settlement and Settlements, Fine and Fines, common Recovery and Recoveries, and other conveyances had or made since the said first Day of January, One thousand seven hundred and three, of any Lands, Tenements or Hereditaments in this Kingdom by such Papist

or Papist, or by any Protestant or Protestants, who turned Papist at any time since the said first Day of January, One thousand seven hundred and three, or by any such Papist, together with his then Protestant Wife, who hath turned Papist as aforesaid, whereby any Protestant or Protestants are barr'd of any Estate in reversion or remainder, whereunto such Protestant or Protestants was or were Intituled at the time of Levying such Fine or Fines, or suffering such recovery or recoveries, or making such conveyances, shall, as to such Protestant or Protestants, be null and void; and that such Protestant or Protestants shall become Intituled unto, and Seized of such Lands or Tenements according to such Estate, as he, she or they had in such Lands, Tenements or Hereditaments, at the time of perfecting such conveyances, or levying such Fines, and suffering such recoveries, as if such fine or fines, recovery or recoveries, conveyance or conveyances, had not been levied, suffered or made.

Provided always, That nothing herein contained shall extend to impeach or avoid any Purchase or Mortgage, Estate or Incumbrance, really and Bona fide made for full and valuable consideration to any Protestant or Protestants whatsoever: Subject nevertheless to all such Debts and real Incumbrances at the time of the Decease of such Papist, charging such Estate as the same would have been subject to upon the descent thereof, according to the true intent and meaning of the said Act and this present Act.

Provided nevertheless, That every such Protestant in remainder or reversion as aforesaid, shall have the right, condition or equity of redemption, of all and every such Mortgages and Incumbrances.

And whereas by the aforesaid Act To prevent the further Growth of Popery. The Case of Gavel kind. Among other things it is Enacted in these Words; (that is to say,) And be it further Enacted by the Authority aforesaid, That all Lands, Tenements or Hereditaments, whereof any Papist now is, or hereafter shall be Seized in Fee-simple or Fee-taile, shall from henceforth, so long as any Papist shall be Seized of, or Intituled to the same in Fee-simple or Fee-taile, be of the Nature of Gavel-kind: And if not Sold, Alienated or Disposed of, by such Papist in his Life time, for good and valuable consideration of Money really and bona fide paid; shall for such Estate from such Papist descend to, and be inherited by all and every the Sons of such Papist any way inheritable to such Estate, share and share like; and not descend on or come to the Eldest of such Sons only, being a Papist, as Heir at Law, and shall in like manner from such respective Sons being Papists, descend to, and be inherited by all and every the Sons of such Sons, share and share like, and not descend to the Eldest of such Sons, being a Papist, as Heir at Law only. And that for want of Issue Male of such Papist, the same shall descend to all his Daughters any way inheritable to such Estate, in equal proportions. And for want of such Issue, among the Collateral Kindred of such Papist, of the Kin of his Father, any way inheritable to such Estate, in equal degree. And for want of such Kindred, to the Collateral Kindred of such Papist of the Kin of his Mother, any way inheritable to such Estate, and not otherwise, notwithstanding any grant, settlement or disposition, by Will or otherwise, that shall be made by such Papist, other than such Sale, Alienation or Disposition to be made by such Papist, as aforesaid: Subject nevertheless to all such Debts and real Incumbrances, at the time of the Decease of such Papist charging such Estate.

And whereas some doubts have arisen upon the first Words of the said Clause, The time of Settlement commencing. that is to say, from what time that Clause, or part of the said Act was to take effect, whether from the first Day of the Session of that Parliament wherein the said Act was made, or from any and what other Day or Time: Be it therefore Declared and Enacted by the Authority aforesaid, That the aforesaid recited Clause, or part of the said Act, shall be deemed, construed and adjudged, to take effect from the first Day of that Session of Parliament; And that all such Settlements, and all such Bargains and Sales, Releases, Feoffments, and other conveniences whatsoever, and all Fines and Recoveries made, executed, levied or suffered by any Papist, of any Lands, Tenements or Hereditaments, since the said first Day of that Session of Parliament, to elude the said Act, or which may any way prevent or hinder such Lands, Tenements or Hereditaments, from descending or going in Gavel-kind, or to the Eldest Son of any Papist, turning Protestant, according to the true intent and meaning of the said Act, be null and void, and of none effect.

Provided, That nothing herein contained shall extend, or be construed to extend, to any Lands, Tenements or Hereditaments, Sold, Alienated, Disposed of, or Settled.

thod, after the Twenty First of September, One thousand seven hundred and three, and before the Twenty Fifth of March, One thousand seven hundred and four, for good and valuable considerations of Marriage, or of Money, bona fide paid, or to such reasonable maintenances and portions for Daughters and younger Children, as such Lands, Tenements or Hereditaments were, are or shall be charged with, according to the said Act; but that such Sales, Dispositions or Settlements, shall stand and remain of Force for the benefit of the several purchasers of such Lands, Tenements or Hereditaments, and of the persons parties to the said Marriage or Marriage-Articles, and of such Woman as shall have any Jointure Settled on her in consideration of such Marriage, and of the Issue of such Marriage, according to the scope and intent of such Marriage-settlement, and for the benefit of no other person whatsoever, any thing in this or the said recited Act to the contrary notwithstanding.

The Case of
Persons Con-
verted.

Provided always, and be it further Enacted by the Authority aforesaid, That no person or persons who hath or have turned, or shall turn from the Popish to the Protestant Religion as by Law Established, shall be deemed and taken to be a Protestant within the intention of this Act, or the former Act, or shall take benefit thereby, notwithstanding such person so professing himself a Protestant, shall pursuant to this or the said former Act To prevent the further Growth of Popery: procure the Certificate of the Bishop of the Diocess, as is herein and hereby, or by the said former Act directed, unless such person or persons, shall within the space of Six Months then next after such person or persons declaring himself or themselves a Protestant or Protestants, or within Six Months after such person or persons shall attain the Age of Eighteen Years, or those who have already been converted, do before the Twenty Fifth of December, One thousand seven hundred and nine, or within three Months after he or they shall return into this Kingdom, in case he or they be now out of the Kingdom, Take and Receive the Holy Sacrament of the Lord's Supper, according to the order and usage of the said Church of Ireland, and make and subscribe the Declaration, pursuant to an Act, Intituled, An Act to prevent the further Growth of Popery. And shall also take The Oath of Abjuration. And shall file in the High Court of Chancery, or some other Her Majesties Four-Courts at Dublin, a Certificate or Certificates thereof, in like manner as the Bishops Certificate is to be filed, for which Certificate, no greater Fee shall be taken then Six pence, any thing herein or in the said former Act against the further Growth of Popery, contained to the contrary in any wise notwithstanding.

Their Chil-
dren shall be
baptized and
taught the Pe-
nalty if not.

And be it further Enacted by the Authority aforesaid, That every person that now is, or hereafter shall be converted from the Popish to the Protestant Religion, and Conform himself to the Church of Ireland as by Law Established, and shall have, Hold or Enjoy any Employment, Office, or Place of profit or trust, by virtue of any Commission, Grant or Authority from her Majesty, Her Heirs or Successors, or be a Member of either House of Parliament, or practice as Barrister at Law, Attorney or Solicitor, or Officiate as Officer, in any of Her Majesties Courts of Law, or any other Court whatsoever, shall cause all his Children under the Age of fourteen Years at the time of the Conversion of such Parent, to be Educated in the Protestant Religion as by Law Established, and for Default thereof, such Employment, Office or Place of profit or trust, is hereby declared Null and Void, and such Member of Parliament shall be incapable to Sit or Vote in either House of Parliament, and the party Offending, for ever incapable to have, Hold and Enjoy any Employment, Office or Place of profit or trust under Her Majesty, Her Heirs or Successors, and that every such Barrister, Attorney, Solicitor and Officer, shall be incapable of practicing as Barrister, Attorney or Solicitor, privately or publicly, or Officiating in any of the Courts aforesaid.

May be chose
Constables,
&c.

Provided, That nothing herein contained shall Extend or be Construed to Extend to the Office of High-Constable, Petty-Constable, Tything-Man, Headborough, Overseer of the Poor, Church-Wardens, Surveyors of the High-Ways, or any like inferior Civil Office in the Kingdom.

And whereas several persons of the Popish Religion in this Kingdom, in the Settlements of their several Estates, have power reserved or given to Make and Settle in Jointure on any Wife, either particular Lands or Tenements therein mentioned, or by way of Rent-charge out of the Lands, Tenements, or Hereditaments in such Settlement. or out of some part thereof, or by some other way, and after such Settlement, such person to whom such power is given or Reserved, hath Married or may Marry some Woman of the Popish Religion, which Woman after such Mar-
riage,

age, may during the continuance thereof, be inclined to renounce the Errors and Superstitions of the Church of Rome, and become of the Protestant Religion as by Law Established; but may be Discouraged or Deterred from the doing thereof, by reason that her Popish Husband hath not Executed such power to appoint a Jointure, nor will likely do the same after such Wife is become a Protestant as aforesaid.

Be it further Enacted by the Authority aforesaid, That if any Woman who was a Papist at the time of her Marriage with a Popish Husband, who hath any power reserved to him on any Settlement, making him Tenant for Life to limit or appoint any Jointure on such Wife, and yet hath not or shall not Execute such power in his Life time. If such Woman shall become a Protestant, and Enroll a Certificate thereof from the Bishop of the Diocess, and also Receive the Sacrament according to the Usage and Order of the Church of Ireland as by Law Established, if such Woman Survive her said Popish Husband, she shall have and Enjoy such provision as the Lord Chancellor or Lord Keeper, or Commissioners of the Great Seal for the time being, upon a Bill grounded upon this Act, shall think reasonable and fit to Adjudge, not exceeding the power reserved in such Settlement.

In case a Wife become a Protestant.

And for the further Encouragement of such Popish Wife to become a Protestant as aforesaid, in the Life time of the Popish Husband: Be it Enacted by the Authority aforesaid, That such Popish Wife or Wives, of such Popish Husband or Husbands, who is or are now become a Protestant or Protestants, or shall hereafter become a Protestant or Protestants in the life of such Popish Husband or Husbands, shall have and receive such proportion or Share, not being otherwise provided for by virtue of any agreement before Marriage, or by reason of Dowry or Jointure, or other Estate, Charge or Interest, out of the Freehold and Inheritance of such Husband, before or after such Marriage, of the Chattles real and personal, of her or their Popish Husband or Husbands whereof he or they shall Die, possessed of, or Intituled unto, as the High Court of Chancery shall on a Bill to be preferred by such Widow or Widows grounded on this Act, think reasonable, not exceeding one Third part after Debts and Funeral Charges, notwithstanding any Will or voluntary Alienation or Disposition to be made by any such Popish Husband or Husbands to the contrary, and notwithstanding an Act made in the Seventh Year of the late King William the Third of Glorious Memory, Intituled, An Act for the better Settling Intestate Estates. To the contrary thereof in any wise notwithstanding.

And whereas by an Act made in the Seventh Year of King William the Third of Glorious Memory, it is Enacted, That no Person whatsoever of the Popish Religion shall publicly, or in private Houses, teach School, or Instruct Youth in Learning within this Realm, upon the pain of Twenty Pounds, and also of being Committed to Prison without Bail or Mainprize, for the space of Three Months for every such Offence: Which Law hath proved ineffectual and that notwithstanding the same, many persons of the Popish Religion do continue to keep publick Schools for the Instruction of Youth, and when prosecuted by Presentment of the Grand-Jury for so doing, do abscond or repair to other Counties to keep publick Schools, and thereby evade and escape the pains and punishments imposed by the said Act.

Concerning Popish Schools and School-masters.

And whereas several Protestant School-masters, to increase the Numbers of their Scholars, do chuse to combine with such Papists, rather than prosecute such Popish School-masters, and to elude the said Act, do Entertain such persons professing the Popish Religion, to be Teachers, Under-masters or Assistants, to Teach and Instruct Youth in Learning under such Protestant School-masters, who frequently thereby become negligent of their said Schools, and leave the Instructions of the Youth, as well the Protestant as Popish Schollars, to the Care and Instruction of such Popish Under-School-master, Usher or Assistant so by them Entertained and Allowed, whereby Popery doth continue to grow, and is propagated in this Kingdom: For Remedy whereof, Be it Enacted by the Authority aforesaid, That whatsoever person of the Popish Religion shall publicly Teach School, or shall Instruct Youth in Learning in any private House within this Realm, or shall be Entertained to Instruct Youth in Learning, as Usher, Under-master or Assistant, by any Protestant School-master, he shall be esteemed and taken to be a Popish Regular Clergy man, and to be Prosecuted as such, and incur such pains, penalties, and forfeitures as any Popish Regular Convent is liable unto by the Laws and Statutes of this Realm. And that no person whatsoever, after the first Day of November, One thousand seven hundred and nine, shall be qualified to Teach or Keep School publickly.

In case that Protestant School-masters do combine with Popish School-masters, the Forfeiture.

The Forfeiture.

ly, or Teach and Instruct Youth in Learning in any private House, or as Usher or Assistant to any Protestant School-master, who shall not first, or at the next General Assizes, or General Quarter-Sessions of the Peace to be held for the County where such Person shall Inhabit or Reside, after such person is so Entertained, take The Oath of Allegiance, and Make and Subscribe The Declaration, and Take and Subscribe The Oath of Abjuration, as in the said Act against the further Growth of Popery is directed and expressed. And if any person after the said first Day of November, One thousand seven hundred and nine, shall Offend herein, he shall forfeit the Sum of Ten Pounds for every such Offence: And if any person shall Entertain any one not qualified as aforesaid, as Tutor, Under-master, Usher or Assistant, he shall forfeit the Sum of Ten Pounds, for every such Offence, the one Moiety of which said several Forfeitures, shall go to the Informer, the other Moiety (the Expence of the Prosecution being first deducted) to the Use of the Poor of the Parish where such Offence shall be committed, to be recovered in a Summary way by Civil Bill, before the Judge or Judges of Assize in Court, and for the County and County of the City of Dublin, such Forfeitures to be recovered before the Justices of the Peace at their General Quarter-Sessions.

And whereas in the Second Year of Her present Majesty's Reign a good Law pass'd in this present Parliament, Intituled, An Act to prevent Popish Priests from coming into this Kingdom: Which was to continue and be in force for fourteen Years, and to the end of the next Session of Parliament after the Expiration of the said fourteen Years, and no longer; which Act is fit to be made perpetual.

And whereas one other good Act pass'd in the Second Session of this present Parliament, Intituled, An Act to Explain and Amend *An Act for Registering the Popish Clergy*. Which was to continue in force to the Twenty first of September, which was in the Year of our Lord One thousand seven hundred and eight, and to the end of the next Session of Parliament, and no longer; which last mentioned Act is also fit to be continued and made perpetual.

The Act for Preventing the coming of Popish Priests, and Registering made perpetual, &c.

Be it therefore Enacted by the Authority aforesaid, That the said first mentioned Act to prevent Popish Priests coming into this Kingdom. And also the said last mentioned Act, Intituled, An Act to Explain and Amend *An Act for Registering the Popish Clergy*. Be, and they and each of them is and are hereby made perpetual.

And to the end that every Popish Priest, who at any time before the making of the said Act for Registering the Popish Clergy. Did turn Protestant, and all such Popish Priests who have been Registered pursuant to the said Act, and have since, or shall at any time become Protestants, and shall be approved of as Converts, and received into the Church by the Arch-Bishop or Bishop of the Diocese wherein he or they lived or Resided, and conforming him or themselves to the Church of Ireland as by Law Established, and having taken the Oath, and Made and Subscribed the Declaration, in such manner as the Conformable Clergy to the said Church of Ireland are obliged to do, at any Quarter-Sessions in any County or City as aforesaid.

Be it Enacted by the Authority aforesaid, That every such Converted Priest or Priests, or who shall be converted within the Term of seven Years, to be accounted from and after the said first Day of September, One thousand seven hundred and nine, shall have and receive the Sum of Thirty Pounds, Sterl. yearly, and every Year and no more, by Virtue of this or any former Act, during their Residence in such County for their Maintenance, and until he or they are otherwise provided for by some Ecclesiastical Benefice or Curacy, of the like or greater Value, subject nevertheless to Suspension or Depprivation, of the Arch-Bishop or Bishop of the Diocese wherein he or they shall dwell or Reside, in like manner as any of the Inferior Clergy of this Kingdom, are subject to; the said Sum of Thirty Pounds, to be Levied on the Inhabitants of such County or Counties of Cities or Towns where such Converted Priest or Priests did last Reside, in like manner as Money is Levied that is charged by Grand Juries upon the said Counties, or Counties of Cities or Towns, and to be paid him or them by equal parts, that is to say, one Moiety at the Feast of the Annunciation of the Blessed Virgin Mary, and the other Moiety at the Feast of St. Michael the Arch-Angel, in every Year, and every such Convert or Converts shall, and he and they are hereby required under penalty of forfeiting his or their Allowance or Allowances as aforesaid, publicly to Read the Common-Prayer or Liturgy of the Church of Ireland, and Preach once a Week in the English or Irish Tongue, in such places and at such times as the said Arch-Bishops or Bishops shall direct or appoint.

And

And be it further Enacted by the Authority aforesaid, That no Popish Parish Priest shall keep or have any Popish Curate, Assistant or Coadjutor, and that every Popish Parish Priest, that shall keep any such Popish Curate, Assistant or Coadjutor, shall lose the benefit of been Registered, and shall incur and suffer all the pains and penalties of a Popish Regular, and shall be prosecuted as such, and that every such Popish Curate, Assistant or Coadjutor, shall be deemed and taken as a Popish Regular, and shall be prosecuted and proceeded against accordingly.

The penalty if a Popish Parish Priest keeps a Curate.

And whereas in a Parliament holden in the Fifth Year of the Reign of our Sovereign Lord King William the Third, of Glorious Memory, the Statute hereafter mentioned was Enacted, (that is to say) An Act for Banishing all Papists Exercising Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom. Which Act for want of Encouragement to Discoverers, hath proved in a great measure ineffectual, and therefore for the better putting the same and this present Act, and the aforesaid Statutes in Execution.

Be it further Enacted by the Authority aforesaid, That if any person after the first Day of September, One thousand seven hundred and nine, shall Discover any Archbishop, Bishop, Vicar General, Dean, Jesuit, Monk, Fryer, or any other Regular Popish Clergy-man, or any Popish Exercising any Ecclesiastical Jurisdiction, or any Secular Popish Clergy-man, who hath not been Legally Registered, or any Popish School-master, or any Popish, Teaching or Instructing Youth in private Houses as Tutor or Usher, Under-master, or Assistant to any Protestant School-master, so as the said Regular or Secular Clergy-man or Popish School-master, Tutor or Usher, Under-master or Assistant to any Protestant School-master, be Apprehended and Legally Convicted, every person making such Discovery, shall receive as a Reward for the same, the several sums following, that is to say, the sum of fifty pounds Sterl. for every Archbishop, Bishop, Vicar-General, or other person Exercising any Foreign Ecclesiastical Jurisdiction in this Kingdom, and the sum of Twenty pounds Sterl. for each Regular Clergy-man, and each Secular Clergy-man not Registered pursuant to the said former Act, and the sum of Ten pounds Sterl. for each Popish School-master, Tutor, Usher, Under-master or Assistant, to be Levied on the Popish Inhabitants, of the County or County of the City, or Town where such Regular or Secular Popish Clergy-man did respectively Exercise, such Foreign Jurisdiction, or Officiate as a Popish Priest, and where such Popish School-master, Tutor, Usher, Under-master or Assistant, Taught or Instructed Youth, or did most commonly Reside, and shall be Convicted thereof as aforesaid, the same to be Levied in such manner, and on such persons, as Woner for Robberies, by a late Act against Tories, Robbers and Rapparees. Is to be Levied where the Robbery or Burglary is presented by the Grand Jury, to be committed by Papists only, and to be Levied in the County of Dublin, and County of the City of Dublin, in such manner and on such Popish persons, as other publick Woner is Levied at the General Quarter Sessions of the Peace, in the said County, or County of the said City.

Encouragement for discovering any Popish Clergy.

And for the more effectual Discovery of such Popish Regular Clergy-men, Popish Priests, and Popish School-masters, Tutors, Ushers, Under-masters and Assistants to Protestant School-masters, Be it further Enacted by the Authority aforesaid, that it shall and may be Lawful to and for any Two Justices of the Peace, whereof one to be of the Quorum, by Warrant or Warrants under their Hands and Seals, directed to any Constable or Constables within the said County, to Summons any Popish person of the Age of Sixteen Years or upwards, to appear before such Justices at a certain time and place in the said Warrant or Warrants, to be expressed, within Three Days after the said Date of the said Warrant or Warrants, so that the said place of Appearance be not above five Miles from the Habitation of the said person; and if the said person so Summoned, shall neglect or refuse to appear accordingly, or appearing, shall refuse to give his Testimony upon Oath, where and when he heard or was present at the Celebration of the Popish Mass as the same is used in the Church of Rome and who Celebrated the same, and who and what persons were present at the Celebration thereof, and likewise for and touching the Being, Residence and Abode of any Popish Regular Clergy-man, or any such Popish Secular Priest as aforesaid, or of any Popish School-master, Tutor, Usher, Under-master or Assistant to any Protestant School-master, who may be Disguised, Concealed or Immured in the Country, and also fully Answer to all such Questions, Circumstances and Things, for and touching such Popish persons offending contrary to this and the former Act to prevent the further Growth of Popery. Such person so refusing or neglecting to appear, or to Answer as aforesaid, shall be Committed by the

Any two Justices of the Peace one to be of the Quorum, may summon any Popish person above 16 to give Testimony.

said Justices to the Common Goal, there to remain without Bail or Mainprize for the space of Twelve Months, unless he or she shall pay down a Sum not exceeding Twenty pounds, to be paid to the Minister, Church-Wardens, and Overseers of the Poor of the Parish where such Offender shall Inhabit or Reside, for the Use of the Poor of the said Parish; who are hereby Declared and Enacted to be Accountable for all such Moneys so received by vertue of this Act, in such manner as any other Monies received for the Use of the said Parish, are to be accountable for.

Provided, That every Examination to be given in pursuance of this Act, shall be for such of the said Offences only as were Committed within Thirty Days before such Examination; and that no such Examination shall subject the party Examined to any Prosecution, Penalty or Forfeiture whatsoever, or be admitted to be given in Evidence against the person so Examined, unless such person shall be Indicted for having committed wilful Perjury in such Examination; and the person so Examined and Confessing, shall and is hereby Discharged of and from any Prosecution or Penalties, or Forfeitures by him incurred, by reason of any Offence so Confessed as aforesaid, and not otherwise.

And be it further Enacted by the Authority aforesaid, That all and every Popish Priest and Priests who have been Registered in pursuance of the said former Act for Registering the Popish Clergy. shall take The Oath of Abjuration before the Twenty fifth Day of March. One thousand seven hundred and ten, in one of the Four-Courts at Dublin, or at some Quarter-Sessions to be held for the respective Counties, Cities or Towns where such Popish Priest or Priests have been Registered; and upon neglect or refusal, and after the said Twenty fifth Day of March, Celebrated Mass, or Officiating as a Popish Priest, such Popish Priest shall incur and suffer such pains, penalties and forfeitures, as a Popish Regular Clergy-man Conbict by the Laws and Statutes of this Realm is liable unto.

And forasmuch as many Irish Papists in this Kingdom at the time when the pretended Prince of Wales, taking upon himself the Stile and Title of King of England, by the Name of James the Third, did attempt to Invaide Her Majesty's Dominions in the North part of Great Britain with a French Power, did refuse to give Their Excellencies the then Lords Justices and Chief Governors of this Kingdom, Testimony and Assurance of their Fidelity, and Loyalty to Her Majesty, and of their Affection to Her Government and the Protestant Succession as by Law Established, by Taking and Subscribing The Oath of Abjuration, as the same is appointed to be taken by an Act of Parliament in England, Intituled, An Act to declare the Alterations in the Oath appointed to be taken by an Act, Intituled, 'An Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the Protestant Line, and for the Extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined. Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for any two or more Justices of the Peace, within any County, or County of a City, or County of a Town in this Kingdom, by Warrant or Warrants under their and every of their Hands and Seals, directed to any Sheriff, Constable, or other Officer, to Summon any Man at the Age of Sixteen Years, or upwards to appear before such Justices, and Take and Subscribe The Oath of Abjuration before mentioned.

And if the said person so Summoned shall neglect or refuse to appear (not having some Lawful Impediment) or appearing, shall refuse to Take and Subscribe the said Oath, being Tender'd to him by the said Justices, then it shall and may be Lawful for such Justices of the Peace to Commit such person to the Common Goal or House of Correction for the space of Three Months, or until he shall take the said Oath, there to remain without Bail or Mainprize, unless the said Offender shall pay down to the Justices a Sum not exceeding Forty Shillings Sterling, as the said Justices shall require; Which Money shall be paid to the Church-Wardens or Overseers of the Poor of such Parish or place where such Offender shall Inhabit or Reside, and shall be for ever incapable of obtaining or having any License to carry, have or keep any Arms; and such License (if obtained) is hereby declared to be Null and Void to all intents and purposes: And from and after the space of Three Months after such default or refusal, it shall and may be Lawful for Two or more such Justices as aforesaid, to direct their Warrant or Warrants as aforesaid, to Summon such Offender to appear before them, to Take and Subscribe the said Oath; and if the said Offender shall neglect or refuse to appear accordingly, or shall appear, and upon Tender of the said Oath, refuse to Take and Subscribe the same, it shall and

Any of sixteen Years or upwards may be Summoned to take the Oaths and Subscribe the Declaration.

The punishment if refusing to come.

may

may be Lawful to and for the said Justices of the Peace to Commit the said Offender to Goal for the space of Six Months, unless the said Offender shall pay down a Sum of Money not exceeding Ten pounds, nor under five pounds, as the said Justices shall require, to be disposed of to the Relief of the Poor as aforesaid, and the Offender to be Bound with two sufficient Sureties with Condition to appear at the next Assizes or General Goal Delivery for the County wherein such Offender shall Inhabit or Reside, or at the General Quarter Sessions of the Peace in the County of Dublin, and County of the City of Dublin, if he shall be an Inhabitant of the said County, or County of the said City, and in the mean time to be of the good Behaviour; at which Assizes or General Goal Delivery, or General Quarter-Sessions of the Peace, the said Oath shall be Tendered to the said Offender, by the Justices of Assize in their open Assizes, or by the Justices of the Peace at their General Quarter-Sessions in the said County of Dublin, and County of the City of Dublin; and if the Offender shall refuse to take and Subscribe the said Oath, he shall incur the Penalties of Premunire, as he and are express in the Statute made in the Sixteenth Year of the Reign of Richard the Second.

Provided always, That whereas there are certain Protestant Dissenters called Quakers, who scruple the Taking any Oath, any such Quaker producing a Certificate under the Hands and Seals of Six or more credible Men of their Society, owning him to be one of them, and Two of the Subscribers appearing with the person for whom they Certify, before any Justice or Magistrate who shall require the same, and he making and Subscribing the following Declaration, shall be Exempted from the several Fines and Penalties mentioned in this said Act.

I A. B. do Solemnly and Sincerely Profess, Testifie and Declare, That I do Believe, The Quakers Declaration.
That in the Sacrament of the Lord's-Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof by any Person whatsoever; And that the Invocation and Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now Used in the Church of Rome, are Superstitious and Idolatrous: And I do solemnly Profess, Testifie and Declare, That I do make this Declaration, and every part thereof, in the Plain and Ordinary Sense of the Words Read unto me, as they are commonly understood by Protestants, without any Evasion, Equivocation or Mental Reservation whatsoever, and without any Dispensation already Granted me for this purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of any Dispensation from any Person or Authority whatsoever, or without Believing, That I am or can be Acquitted or Absolved of this Declaration or any part thereof, although the Pope or any other Person or Persons, or Power whatsoever, should Dispence with or Annul the same, or Declare, That it was Null and Void from the beginning.

I A. B. Do Solemnly and Sincerely Acknowledge, Testifie and Declare, That Our Sovereign Lady Queen ANNE is Lawful and Rightful Queen of this Realm, and of all other Her Majesties Dominions and Countries thereunto belonging. And I do Solemnly and Sincerely Declare, That I do believe in my Conscience, That the Person pretended to be Prince of Wales during the Life of the late King James, and since his Decease, pretending to be, and taking on himself the Style and Title of King of England, by the Name of James the Third, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging. And I do Renounce and Refuse any Allegiance or Obedience to him. And that I will bear Faith and True Allegiance to Her Majesty Queen Anne, and Her will Defend to the utmost of my Power against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown or Dignity; And I will do my best Endeavour to Disclose and make Known to Her Majesty and Her Successors, all Treasons and Traiterous Conspiracies which I shall Know to be against Her, or any of them. And I do faithfully Promise to the utmost of my Power to Support, Maintain and Defend the Limitation and Succession of the Crown, against him the said James, and all other Persons whatsoever; as the same is and lawfully Limited by an Act, Intituled, *An Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown to Her present Majesty, and the Heirs of Her Body being Protestants.* And as the same by one other Act, Intituled, *An Act for the better Limitation of the Crown, and better Securing the Rights and Liberties of the Subject, is and lawfully Limited after the Decease of Her Majesty; and*

for Default of such Issue of Her Majesty, to the Princess Sophia Electress and Dutches Dowager of Hannover, and the Heirs of Her Body being Protestants. And all these things I do plainly and sincerely Acknowledge according to these express Words by me Spoken, and according to the Plain and Common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or Secret Reservation whatsoever. And I do make this Recognition, Acknowledgement, Renunciation and Promise, Heartily, Willingly and Truly.

And whereas by an Act past in the Second Year of the Reign of Her present Majesty, Intituled, An Act for Registering the Popish Clergy of this Kingdom. It is Enacted, That every Popish Priest in this Kingdom, shall return his and their Names, and Places of Abode to the respective Clerks of the Peace in the several Counties where such Popish Priest shall Dwell or Recide, and give sufficient Sureties not to remove out of such County where his or their place or places of Abode do lie.

And whereas in Contempt of the same it is notorious that several of the said Popish Priests so Registered have removed to other Counties, and Officiated as Popish Priests in other Parishes than where they were Registered, and also the Sureties taken before the Clerks of the Peace were either insufficient at the time of the taking thereof, or are become so, or since Dead. And that Popish Priests meet in great Numbers at Burials, and on other Occasions, where they have great Opportunity to form Designs against the publick Peace: and also at other times meeting in great Numbers, they have Conferred Popish Holy Orders on Popish Priests who were not Popish Priests at the time of the Registering the Popish Clergy of this Kingdom, which they perform by laying on of the Hands of many of the said Popish Priests together, to the intent that the party himself so Receiving the said Holy Orders, may not know in whom the power of Confering such Popish Holy Orders was Lodged.

No Popish Priest to Officiate, save where he was Registered for.

For the more effectual preventing the Offences aforesaid, Be it Enacted by the Authority aforesaid, That from and after the first Day of September, One thousand seven hundred and nine, no Popish Priest whatsoever shall Officiate or Exercise the Office or Function of a Popish Priest, in any Parish within any County of this Kingdom, but in the Parish where the said Popish Priest did Officiate at the time of the Registering the Popish Clergy of this Kingdom, and for which Parish also he was Registered, and in no other Parish whatsoever, under the pains, penalties and forfeitures, as any Popish Regular Convict is liable unto by the Laws and Statutes of this Realm, any thing in the said Act for Registering the Popish Clergy in this Kingdom: Or any other Act to the contrary in any wise notwithstanding.

No Popish Priest to Marry a Protestant to a Popish.

And whereas by an Act of Parliament past in this Kingdom in the Sixth Year of the Reign of Her present Majesty, it is Enacted, That if any Popish Priest shall after the time therein expressed, Celebrate Matrimony between any Persons, knowing at the time of such Marriage, they or either of them is of the Protestant Religion; that every such Popish Priest so Offending, and being thereof Lawfully Convicted, shall be Deemed, Judged and Reputed a Popish Regular Clergyman. Now to the end that no Popish Priest may pretend that he did not know either of the parties at any time so Married by him to be of the Protestant Religion, be it Enacted by the Authority aforesaid, That if any Popish Priest shall after the first Day of September, one thousand seven hundred and nine, be prosecuted for offending contrary to the said Statute, and that it doth appear that the said persons so Married, or any one of them, was or were a Protestant or Protestants at the time of the Marriage; it shall be presumed, allowed and concluded to all intents and purposes, that the said Popish Priest so Accused did Celebrate Matrimony between the said persons, knowing at the time of such Marriage that they or one of them were of the Protestant Religion, unless the said Popish Priest shall produce and prove a Certificate or Certificates, under the Hand and Seal, or Hands and Seals of the Minister or Ministers of the Parish or Parishes where the parties so Married did at the time of the said Marriage respectively Inhabit or Reside, Certifying that the said person or persons were not of the Protestant Religion at the time of the Celebration of the said Marriage.

And whereas the said Act to prevent the further Growth of Popery. And several other Acts of Parliament have been most notoriously Eluded by several Papists and others in Trust for them, who have purchased several Lands, Tenements and Hereditaments, and taken Leases contrary to the true intent and meaning of the said Act; and have also taken Collateral and other Securities by Mortgages, Judgments and Statutes, to cover, support and secure such their Purchases and Leases;

So,

For Remedy whereof, and for the better Enforcing the Execution of the said Acts, Be it further Enacted and Declared by the Authority aforesaid, That all Collateral and other Securities, by Mortgages, Judgments, Statutes-Merchant, or of the Staple, or otherwise howsoever which have been made or entered into, or hereafter shall be made or entered into, to cover, support, secure or make good any Bargain, Sale, Confirmation, Release, Feoffment, Lease or other Conveyance, contrary to the said recited Act, shall be and hereby are Declared Null and Void and of no Effect, to such person or persons so purchasing any of the said Lands or Tenements, in trust for, or for the benefit of any Papist, or person professing the Popish Religion, as likewise to any such Papist or person, his, her or their Heirs and Assigns respectively: And that all such Lands, Tenements and Hereditaments so Conveyed or Leased, or to be Conveyed or Leased to any Papist, or person professing the Popish Religion, or to the use of or in trust of any Papist, or person professing the Popish Religion, contrary to the true intent and meaning of the said Acts; and all such Collateral Securities as are or shall be made or entered into, to cover, support, secure or make good the same, shall and may be sued for by any Protestant or Protestants, by his or her, or their proper Action, Real, Personal or Mixt, founded on this Act, in any of Her Majesty's Courts of Law, or in any Court of Equity, if the nature of the Case shall require it, and the Plaintiff or Demandant in such Suit, upon proof that such Purchase or Lease was made in Trust for any Papist, or person professing the Popish Religion, or under any Confidence to or for any Papist, or such person professing the Popish Religion, or for his, her or their Benefit or Advantage, by receiving the Rents, Issues or Profits thereof, or otherwise shall obtain a Verdict and Judgment, or a Decree there upon, and shall recover the same, and have Execution to be put into the Seizen and Possession thereof, to Hold and Enjoy such Lands, Tenements and Hereditaments, according to the Estate, Use, Trust, Interest or Confidence, which such Papist or person professing the Popish Religion had or should have had therein, had he, she or they been qualified to purchase, Hold or Enjoy the same, subject nevertheless to all such Rents, Covenants and Conditions, Reservations, and all Incumbrances and Portions whatsoever, as the same would have been subject to in the Hands of such Papist, or in the Hands of such person to whom the same were Sold or Leased, in Trust for such Papist, or person professing the Popish Religion, or to his, her or their Use, Benefit or behoof; and shall also have the full Benefit of all such Collateral Securities, as the party or parties to whom the same are or shall be made might have had, if this or the said former Act to prevent the further Growth of Popery, had not been made.

All Securities,
Mortgages,
Judgments,
&c. to be
void.

Provided nevertheless, and be it Enacted by the Authority aforesaid, That every Papist, and person and persons professing the Popish Religion, who have in their own Names, or in the Name of any other person or persons whatsoever, or any in trust for them, purchased any Lands in Fee Simple, or any Leases for Years or Lives, or other Estate or Interest, other than such Lands, Tenements and Hereditaments, as were once vested in the late Trustees for the Sale of Forfeited Estates in Ireland, in possession, reversion or remainder, and which were afterwards divested out of them the said Trustees, and vested in other persons by any private Act of Parliament in England or Great-Britain; or who have lent any Money or Mortgages, or purchased in any Mortgages in the Name of any person or persons in trust for them, other than Mortgages of such Lands, Tenements and Hereditaments, as were once vested in the late Trustees for the Sale of Forfeited Estates in Ireland, in possession, reversion or remainder, and which were afterwards divested out of them the said Trustees, and vested in other persons by any private Act of Parliament in England or Great-Britain, and have or shall hereafter on or before the Twenty fifth Day of December, One thousand seven hundred and nine, become a Protestant, and Enroll a Certificate of the Bishop of the Diocese in which he, she or they respectively inhabit or reside, in the High Court of Chancery in Ireland, testifying his, her or their being a Protestant or Protestants, and conforming him, her or themselves to the Church of Ireland as by Law Established, and shall also Receive the Sacrament of the Lord's Supper according to the usage of the said Church of Ireland, and make and subscribe The Declaration, and shall also take and subscribe The Oath of Abjuration, in such manner as is mentioned and expressed in the said Act to prevent the further Growth of Popery. And shall also cause his, her or their Child or Children under the Age of Fourteen Years from the time of such his, her or their conversion, to be Educated in the Protestant Religion as by Law Established; the purchase and purchases, mortgage and mortgages, confirmation and

Lands not
formerly
vested in the
Trustees
Leases.

confirmations, Lease and Leases, and all other covenants and agreements, made to or by any such Papist, or person professing the Popish Religion, or by, or to any in trust for him, her or them, or to his, her or their use, other than as before excepted, shall be as good and effectual in Law and Equity, as if he, she or they had been a Protestant or Protestants at the time of such purchase, mortgage, confirmation, Lease, covenant or agreement so acquired and made, and not otherwise, to hold and enjoy such Lands, Tenements and Hereditaments so purchased, mortgaged, confirmed or leased in such and for such Estate as he, she or they might have had, if then a Protestant or Protestants.

Provided, That nothing herein or in any former Act past in this Kingdom contained, shall extend or be construed to weaken any Estate, Right, Title or Interest, of any Protestant purchaser for valuable consideration Bona fide, from any person who had purchased in trust for any Papist, or from any Protestant deriving under such purchaser, not having notice of such trust, any thing in this or the before recited Act to the contrary in any wise notwithstanding.

Bills in Chancery may be brought.

Provided also, and for the better discovery of such trusts for Papists, or persons professing the Popish Religion, be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for any Protestant or Protestants, to prefer one or more Bill or Bills in Her Majesty's High Court of Chancery, or Chancery of the Exchequer, against any person or persons concerned in such Sale, Lease, Mortgage or Incumbrance, and against all persons privy to such trust or confidence for Papists, or persons professing the Popish Religion, as aforesaid, and to compel such person or persons to discover and direct such trusts and confidences, and to answer to all matters and circumstances relating thereto as by such Bill or Bills shall be required, to which Bill or Bills, no Plea or Demurrer shall be allowed, but the Defendant shall answer the same at large upon Oath; which answer shall be good Evidence against the Defendant in Actions, to be brought upon this Act as in such cases are usual, and that all Issues to be Tryed in any Action or Suit founded upon this Act, shall be Tryed by none but known Protestants.

And whereas by an Act of Parliament made in the Ninth Year of the Reign of His late Majesty King William of Glorious Memory, Intituled, An Act for Banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom. It is Enacted, That all Popish Archbishops, Bishops, Vicars-General, Deans, Jesuits, Monks, Fryars, and all other Regular Popish Clergy, and all Papists exercising Ecclesiastical Jurisdiction, should depart out of this Kingdom before the First Day of May, which was in the Year of our Lord One thousand six hundred ninety eight; and if any of the said Ecclesiastical persons should be at any time after the said First Day of May within this Kingdom, they and every of them should suffer Imprisonment, and remain in Prison without Bail or Mainprize, till he or they should be Transported beyond Seas out of Her Majesty's Dominions, whither His then Majesty, His Heirs or Successors, or the Chief Governor or Governors of this Kingdom for the time being, should think fit.

And whereas it is further Enacted by the said Statute, That from and after the Nine and Twentieth Day of December, which was in the Year of our Lord One thousand six hundred and ninety seven, no Popish Archbishop, Bishop, Vicar-General, Dean, or any other Papist exercising any Ecclesiastical Jurisdiction not established by the Laws of the Kingdom, Jesuit or Fryar, shall come into the Kingdom from any part beyond the Seas, on pain of Twelve Months Imprisonment, and then to be Transported in manner aforesaid.

And whereas by one other Act made in the Second Year of Her Majesty's Reign, Intituled, An Act to prevent Popish Priests from coming into this Kingdom. It is Enacted, That every Clergyman of the Popish Religion that shall come into this Kingdom at any time after the First Day of January, in the Year of our Lord One thousand seven hundred and three, shall be and is thereby declared to be liable to such penalties, forfeitures, and punishments, as by the said Act for Banishing all Papists Exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom. Is imposed on Popish Archbishops, Bishops, Vicars-General, Deans, Jesuits, Fryars, or any other Papists exercising any Ecclesiastical Jurisdiction, who shall come into this Kingdom contrary to the said Act.

And whereas by one other Act made in the said Second Year of Her Majesty's Reign, Intituled, An Act for Registring the Popish Clergy. It is Enacted, That all and every Popish Priest or Priests who shall not make such Return, and enter into such Recognizance, as by the said Statute is directed, and be thereof Convict at the

the Assizes or General Quarter-Sessions of such County or Counties of Cities or Towns wherein he or they shall Dwell or be Apprehended, shall severally be Committed to the Common Goal of the respective Counties, Cities or Towns, where he or they shall be so Convict, there to remain without Bail or Mainprize, till he or they be Transported; and that all and every such Popish Priest or Priests so Convict, as aforesaid, shall be Transported out of this Kingdom in like manner as Popish Regulars; and that all and every such Popish Priest or Priests, that shall neglect to Register him or themselves, as by the said Statute is directed, and shall remain in this Kingdom after the Twentieth Day of July, in the Year of our Lord One thousand seven hundred and four, shall be esteemed a Popish Regular Clergyman, and prosecuted as such.

And whereas by one other Act made in the Sixth Year of His Majesty's Reign, Intituled, An Act for the effectual preventing the taking away and Marrying Children against the Wills of their Parents or Guardians. It is Enacted, That if any Popish Priests shall after the First Day of November, One thousand seven hundred and seven, presume to Celebrate the Marriage of any person contrary to the true intent and meaning of the said Statute, or shall Celebrate Matrimony between any persons, knowing that at the time of such Marriage they or either of them is of the Protestant Religion, every such Popish Priest so offending, and being thereof Lawfully Convicted, shall be deemed, adjudged and reputed to be a Popish Regular, and shall suffer the pains, penalties and forfeitures of a Popish Regular. Notwithstanding which said Statutes, several of the said Popish Archbishops, Bishops, Vicars-General, Deans, Jesuits, Fryars, Priests, Convict as aforesaid, and Papists exercising Ecclesiastical Jurisdiction, still remain in this Kingdom, and chuse to continue in Goal rather than to procure themselves to be Transported; where they do exercise their said pretended Ecclesiastical Jurisdiction, and Officiate as Popish Priests, and may continue so to do.

For remedy whereof, be it Enacted by the Authority aforesaid, That all and every Popish Archbishop, Bishop, Vicar-General, Dean, Jesuit, Fryar and Papist, exercising Ecclesiastical Jurisdiction, and every Popish Priest, Popish School-master and Papists, who by offending against this or any former Act, are or shall be liable to Transportation, shall within Three Months be Transmitted by Order of the Justices of Assize, or by Order of the Justices of Peace in their General Quarter-Sessions of the Peace, to the common Goal of the next Sea-port Town, where he, they, and every of them, shall remain without Bail or Mainprize, until Transported.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for all Masters of Ships, Merchants and others, to take and receive the Body of such Popish Regular Clergyman, such Popish Priest and Popish School-master so now lying and remaining in Goal, and to be Transported, or who may hereafter remain in Goal to be Transported, and to Transport the said person or persons beyond the Seas, out of Her Majesty's Dominions of Great-Britain and Ireland. And if any Merchant freighting any Ship Outward Bound for any place or port not within either of the Kingdoms of Great-Britain or Ireland, shall refuse to receive the Body or Bodies of such Popish Regular Clergyman or Popish Priest, or Popish School-master, not exceeding five, in any one Ship, when required so to do by the chief Magistrate or his Deputy, of such place or port where any such Popish person aforesaid shall remain in Goal, the Collector and Collectors, and other Officer of Her Majesty's Customs are hereby required not to Discharge such Ship until such Merchant so freighting the same, or such Master of a Ship shall consent so to do; on pain that such Collector so discharging such Ship, shall forfeit to Her Majesty the Sum of Thirty pounds Sterling.

And for an Encouragement to the said Merchant or Master of a Ship to Receive and Transport the said person or persons, it shall and may be Lawful for the said Collector of such port or place to pay, and they are hereby required to pay to the said Merchant or Master of a Ship the Sum of five pounds Sterling for the Transportation of every such person to any part of the West Indies not being Subject to Her Majesty, and the Sum of Three pounds Sterling for the Transportation of every such person to any place or port in Europe, not being within Her Majesty's Dominions; the same to be allowed the said Collector on his Accounts, on producing a Receipt of the said Merchant or Master of a Ship, acknowledging a Receipt of the said Sum or Sums, and also a Receipt acknowledging that he hath received the Body of such Popish Regular Clergyman, Popish Priest or Popish School-master; in which

Popish Arch-
bishops, &c.
may be
Transported
by the Justices of Peace,
&c.

Concerning
the Ships and
Merchants.

What to be
given to the
Merchant,
&c. for Transportation.

Receipt shall be exact the Name of such person so to be Transported, and the place where the said person did last inhabit or reside, and the time the said person hath remained in Goal, and from what County Goal he hath been Transmitted to the said port or place; which Receipts shall be testified by the chief Magistrate or his Deputy of such port or place, and which Receipt herein last mentioned shall be Enrolled in the Crown-Office of Her Majesty's Court of Chief-Place in Dublin, without Fee or Reward, there to remain of Record.

If taken out
of the Custody
of the
Merchant or
Master, &c.

And be it further Enacted by the Authority aforesaid, That if any such Popish Regular Clergy-man, Popish Priest or Popish School-master, who shall be found in this Kingdom out of the custody of the said Merchant or Master of a Ship to receiving the said person, he shall be deemed and taken to be, and shall suffer such pains, penalties and forfeitures, as are inflicted on any Popish Regular Clergy-man who hath been banished and returned again into this Kingdom by the Laws and Statutes of this Realm; and the said Merchant or Master of a Ship, shall at the time of receiving the said Sum or Sums from the Collector, and receiving the Body of such Popish Regular Clergy-man, Popish Priest or Popish School-master, give into a Recognizance to Her Majesty, Her Heirs and Successors, in the penalty of Fifty pounds, to Transport the said Popish person into some place not within this Kingdom or the Kingdom of Great-Britain, or the Dominions thereunto belonging; which Recognizance shall be Entered into by the said Merchant or Master of a Ship, at the time of the Receipt of the respective Sum or Sums of five pounds and Three pounds, before the chief Magistrate of the said Town, Port and place, and the Collector by whom the said Sum shall be paid, shall produce and deliver the said Recognizance to the Commissioners of Her Majesty's Revenue, when he shall Account for the payment of the said Sum, which Recognizance, shall by the said Commissioners be returned into the Crown-Office of Her Majesty's Chief-Place at Dublin, for which no Fee or Reward shall be paid.

And whereas by the Laws of this Land, Papists are not qualified to keep any Horse, or Mare or Gelding of above five pounds value, which by experience is found prejudicial so far forth as the same relates to Stud-Mares.

Concerning
the keeping
Horses or
Mares.

For remedy whereof, be it Enacted by the Authority aforesaid, That no Stud-Mare kept for breeding only, nor Stallion kept as such and no other use, shall be deemed or taken to be within the intention of the Act, Intituled, An Act for the better Securing the Government by Disarming Papists. But that every Papist and reputed Papist may keep such Stud-Mares and Stallions, notwithstanding the said Act or any Law to the contrary, and the breed and produce thereof under the Age of five Years and not otherwise: Provided nothing in this Act shall extend to the hindring the Lord Lieutenant or other chief Governors of this Kingdom for the time being, from seizing and securing any Horse, Mare or Gelding belonging to any Papist or reputed Papist, upon any Invasion likely to happen, or in any case of intestine War broke out or likely to break out, any thing herein contained to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, That in case the Lord Lieutenant, Lords Justices, or chief Governor or Governors of this Kingdom, shall cause or order any Horse or Mare to be seized, to be delivered back to the owner or person from whom any Horse or Mare was so taken, That it shall and may be lawful for every person having or keeping such Horse or Mare in his custody by virtue of the Authority aforesaid, to keep or detain the same until the owner or person from whom the same was taken, shall pay the Sum of Six pence for every Night the said person did keep any such Horse or Mare, by virtue of the Authority aforesaid.

And be it further Enacted by the Authority aforesaid, That no Papist or Papists who are or shall be permitted to follow any Trade, Craft or Mystery in this Kingdom, shall hereafter take or keep more than Two Apprentices at a time, in any such Trade, Craft or Mystery, (except the Hempen or Flaxen Manufacture) and that for no less a Term of Apprenticeship than Seven Years, and that whatever Papist shall offend therein by keeping more than Two Apprentices, or by taking or keeping Apprentices for a less Term than Seven Years, such Papist shall forfeit the Sum of One hundred pounds for every such offence, to be recovered by such person who shall sue for the same, in such manner as the several Forfeitures exceeding the Sum of Ten pounds herein before mentioned are to be recovered.

Provision for
Colonel Hen-
ry Luttrell

Provided always, and be it further Enacted by the Authority aforesaid, That nothing in this Act contained, or in any other Act made in this Kingdom since the passing

passing of an Act of Parliament in England: Intituled, An Act for the Relief of Colonel *Henry Luttrell*, with relation to the Forfeited Estates in *Ireland*. Shall prejudice, affect, defeat or take away any Estate, Right, Title or Interest in Law or Equity, which the said *Henry Luttrell* who is adjudged within the Articles of *Limerick*, had or hath, to or in the Manor, Castle, Town and Lands of *Luttrellstown*, and other Lands, Tenements and Hereditaments in this Kingdom, the Estate of the Families of the *Luttrells*; which were by Letters Patents, and for the considerations in the said Act, and Letters Patents mentioned, Granted by His Majesty King *William the Third* of Glorious Memory, to Major *Walter Delamer* and his Heirs, in trust for the said *Henry Luttrell* and his Heirs: Which Letters Patents are hereby confirmed, and the said *Henry Luttrell* is hereby enabled and made, and declared capable to dispose of, settle or devise, assure, convey, lease, charge or incumber the said Lands, Tenements, Hereditaments and Estates, every or any part thereof, with or without the said *Walter Delamer* or his Heirs, in such manner, and to such person or persons as to him the said *Henry Luttrell* it shall seem fit and convenient, any thing in this Act, or in any the above-mentioned Acts, contained to the contrary notwithstanding: Subject nevertheless to all such Chief-Rents, Crown-Rents and other Rents issuing or payable out of the Premises to the Queen's Majesty, Her Heirs and Successors, or to any other person or persons whatsoever; and saving and reserving to all and every person or persons, Bodies politick or corporate, their Heirs, Executors, Administrators or Successors, all such Right, Title and Interest, Charge, Incumbrance, Claim and Demand whatsoever in Law or Equity, which they, every or any of them have in, to, or out of the said Premises, or any part thereof; excepting always out of this Provision, all Rectories, Impropriate, with the Tythes, Oblations, Obventions, Advowsons of Vicaridges, and all other things thereunto severally and respectively belonging, which did at any time heretofore belong, or were reputed to, belong or appertain to, or were at any time enjoyed, used or held as part or parcel of the said Estate of the Family of the *Luttrells*, to all or any of which Rectories, Impropriate Tythes, Oblations, Obventions, Advowsons of Vicaridges, and all other things thereunto severally and respectively belonging, the Title of the said *Henry Luttrell* is to stand, remain, and be of the same, and no greater or other Force than as before the making of this Act.

And whereas *Oliver Martin* of *Tulliry* in the County of *Gallway*, Esquire, was during the late Rebellion in this Kingdom, a person who behaved himself with great moderation, and was remarkably kind to numbers of Protestants in *Districke*, many of which he supported in his Family, and by his charity and goodness saved their lives, and in great measure preserved their effects.

Proviso for
Oliver Martin
of *Tulliry*.

Be it therefore Provided and Enacted by the Authority aforesaid, That the said *Oliver Martin*, may have, hold and enjoy all his Estate, Right, Title and Interest in Law or Equity, to him and his Heirs, which he and they now have or may have by Descent in this Kingdom; and he is hereby enabled and declared to be capable in every respect to have, hold and enjoy the same, and to dispose and settle the same on his Eldest Son, and the Heirs Males of the Body of such Eldest Son, which settlement and disposition, is hereby declared good and valid, any thing in the Act to prevent the further Growth of Popery, or in this present Act contained to the contrary notwithstanding, subject nevertheless to all such Estates, Interests and Demands that all and every person or persons who now is or are, or hereafter shall be of the Protestant Religion, have, or may have in reversion, remainder or otherwise to the said Estate of the said *Oliver Martin*, or any part thereof, and subject to all such Chief-Rents, Quit Rents and Crown-Rents, and other Rents as are issuing and payable out of the premises to the Queen's Majesty, Her Heirs and Successors; And saving and reserving to all and every person or persons, Bodies politick or corporate, their Heirs, Executors, Administrators or Successors, all such Right, Title and Interest, Claim and Demand whatsoever in Law or Equity, which they or any of them have, into or out of the premises, or any part thereof.

C H A P. IV.

An Act to Enable Posthumus Children to take Estates, as if Born in their Fathers Life-time.

WHEREAS it often happens that by Marriage and other Settlements, Estates are limited in remainder to the use of the Sons and Daughters, the Issue of such Marriage, with remainder over, without limiting an Estate to Trustees to preserve the contingent Remainders limited to such Sons and Daughters; by which means such Sons and Daughters, if they happen to be Born after the Decese of their Fathers, are in danger to be Defeated of their Remainder by the next in Remainder after them, and left unprovided for by such Settlements, contrary to the intent of the parties that made those Settlements.

For Remedy whereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That where any Estate already is, or shall hereafter, by any Marriage, or other Settlement, be limited in Remainder to, or to the use of the first, or other Son or Sons of the Body of any person Lawfully Begotten or to be Begotten, with any Remainder or Remainders over to, or to the use of any other person or persons, or limited in remainder to, or to the use of any Daughter or Daughters Lawfully Begotten, or to be Begotten, with Remainder or Remainders to any other person or persons; in such Case any Son or Sons, Daughter or Daughters Lawfully Begotten, or to be Begotten, that shall be Born after the Decese of his, her or their Father, shall and may by virtue of such Settlement, take such Estate so limited to the first and other Sons, or to the Daughter or Daughters, in the same manner as if such Son or Sons, Daughter or Daughters were Born in the Life-time of his, her or their Father, although there shall happen no Estate to be limited to Trustees after the Decese of the Father, to preserve the contingent Remainder to such after-Born Son or Sons, Daughter or Daughters, until he, she or they come in Age, or to be Born to take the same, any Law or Usage to the contrary in any wise notwithstanding.

Provided always, That nothing in this Act shall Extend or be Construed to Extend to Divest any Estate in Remainder, that by virtue of any Marriage or other Settlement, is already come to the Possession of any person or persons, or to whom any Right is accrewed, though not in actual Possession, by reason or means of any After-Born Son or Sons, Daughter or Daughters, not happening to be Born in the Life-time of his, her or their Father.

C H A P. V.

An Act to prevent Delays of Proceedings at the Assizes and Sessions.

WHEREAS it is Experienced, That notwithstanding the Statute made in the Tenth and Eleventh Years of King Charles the First, concerning the Granting of Writs of Certiorari, to remove Indictments of Riots, forcible Entry, Assault and Battery, and other Presentments and Indictments out of the Courts of the General Assizes or Quarter-Sessions of the Peace, in the Counties or Places wherein such Indictments have been found, and Proceedings thereupon Recorded in Her Majesty's Court of Queen's-Bench, divers Turbulent, Contentious, Lewd, and Evil disposed Persons fearing to be deservedly punished where they and their Offences are well known, have not only obtained Writs of Certiorari for removing such Indictments found against them as aforesaid, but also Indictments against sundry other Trespasses, Frauds, Usances, Contempts and Misdemeanors after Issue joyned, and the Prosecutors attending with their Counsel and Witnesses, to Try the same before the said Justices of Assize and of the Peace in their said Sessions, to the great Discouragement of the Prosecutors, and of such Constables and other Officers, as according to their Duty present persons for those and such like Trespasses, Offences and Misdemeanors.

For Remedy whereof, and that such Offenders may be brought to Conduign Punishment, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in Parliament:

ment Assembled, and by the Authority of the same, That in Term-time no Writ of Certiorari whatsoever at the prosecution of any Party Indicted, be hereafter Granted, Awarded or Directed out of the said Court of Queen's-Bench, to remove any such Indictment or Presentment of Trespals or Misdemeanor before Tryal had from before the said Justices in the said Courts of General Assizes or Quarter-Sessions of the Peace, unless such Certiorari be Granted or Awarded upon Motion of Counsel on Affidavit, and by Rule of Court made for the Granting thereof before the Judge or Judges of the said Court of Queen's-Bench Sitting in open Court, and that all the parties Indicted, prosecuting such Certiorari before the Allowance thereof, shall find two sufficient Manucaptors who shall enter into a Recognizance before the Justices to whom the same shall be delivered, in the Sum of Twenty pounds, with Condition at the Return of such Writ to appear and stand in the said Indictment or Presentment in the said Court of Queen's-Bench, and at his and their own Cost and Charges, to cause and procure the Issue that shall be joyned upon the said Indictment or Presentment, or any Plea relating thereunto, to be Tryed at the next Assizes to be held for the County wherein the said Indictment or Presentment was found after such Certiorari shall be returnable, if not in the County of Dublin, and the County of the City of Dublin; and if in the said County or City, then to cause or procure it to be Tryed the next Term after wherein such Certiorari shall be Granted, or at the Sitting after the said Term, if the Court of Queen's-Bench shall not appoint any other time for the Tryal thereof, and if any other time shall be appointed by the Court then at such other time, and to give due notice of such Tryal to the Prosecutor or his Attorney in Court, and that the said Recognizance and Recognizances taken as aforesaid, shall be Certified into the said Court of Queen's-Bench, with the said Certiorari and Judgment to be there filed, and the Name of the Prosecutor (if he be the Party Grieved or Injured) or some publick Officer, to be Indorsed on the back of the said Indictment, and if the person prosecuting such Certiorari being the Defendant, shall not before Allowance thereof procure such Manucaptors to be bound in a Recognizance as aforesaid, the Justices of Assize and of the Peace, may and shall proceed to Tryal of the said Indictments at the said Sessions, notwithstanding such Writ of Certiorari so delivered.

And be it further Enacted by the Authority aforesaid, That if the Defendant prosecuting such Writ of Certiorari be Convict of the Offence for which he was Indicted, that then the said Court of Queen's-Bench, shall give reasonable Costs to the Prosecutor, if he be the party grieved, or be a Justice of the Peace, Mayor, Bailiff, Constable, Headborough, Tithing-man, Church-Warden or Overseer of the Poor, or any other civil Officer who shall prosecute upon the account of any fact committed or done, that concerneth him or them as Officer or Officers to prosecute or present: Which Costs shall be Tared according to the course of the said Court, and that the Prosecutor for Recovery of such Costs shall within Ten Days after Demand made of the Defendant, and Refusal of payment, on Oath, have an Attachment granted against him the Defendant by the said Court for such his Contempt; and that the said Recognizance shall not be Discharged till the Costs so Tared shall be paid.

Provided always, and be it Enacted by the Authority aforesaid, That in any of the Vacations Writs of Certiorari may be Granted by any of the Justices of Her Majesty's Court of Queen's-Bench, whose Names shall be Indorsed on the said Writ, upon Affidavit of the Truth of the Suggestion for Granting the same, which shall be filed in the said Court of Queen's-Bench, and also the Name of such person, at whose Instance the same is Granted; and that the party or parties Indicted prosecuting such Certiorari, shall before the Allowance of such Writ or Writs of Certiorari, find such Sureties in such Sum, and with such Conditions, as are before mentioned and specified in this present Act.

Provided always, and be it Enacted by the Authority aforesaid, That if any Indictment or Presentment be against any person or persons for not Repairing any High-ways, Lawneys, Pavements or Bridges, and the Right or Title to Repair the same may come in Question; upon such Suggestion, and Affidavit made of the Truth thereof, a Certiorari may be granted to remove the same into the Court of Queen's-Bench, any Law or Statute to the contrary in any wise notwithstanding.

Provided nevertheless, That the party or parties prosecuting such Certiorari, shall find two Manucaptors to be Bound in a Recognizance with condition as aforesaid.

Prohibited always, and be it Enacted by the Authority aforesaid, That this Act shall continue and be in force for Seven Years, and from thence to the End of the next Session of Parliament, and no longer.

C H A P. VI.

An Act for the better preventing the Counterfeiting the Current Coin of this Kingdom.

The Preamble
of the Act.

Whereas notwithstanding the good Laws still in force against the Counterfeiting Her Majesty's Coin, and other the Coins made Current in this Her Majesty's Kingdom of Ireland, by Her Majesty's Royal Proclamation; yet the said Offence doth and is like daily to Encrease, to the manifest Wrong and Injury both of Her Majesty and all Her Majesty's Loving Subjects, being very much occasioned for want of a due and condign Punishment to be inflicted on such Artificers and others, who without any Lawful Authority do make or use Punchcons, Stamps, Dyes, and other Engines and Instruments which are commonly used, or may be made use of in or about the Coining of Money: For Redress of which so great and growing a Mischief, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the first Day of November next, no Smith, Engraver, Founder, or other person or persons whatsoever, other than and except the persons Employed, or hereafter to be Employed in or for Her Majesty's Mint or Mints within this Kingdom of Ireland, and for the Use and Service of the Mints only, shall knowingly make or mend, or begin to proceed to make or mend, or assist in the making or mending of any Punchcon, Counter-punchcon, Matrrix, Stamp, Dyes, Pattern or Mould of Steel, Iron, Silver, or other Metall or Mettals, or of Spauld, or fine Founders Earth or Sand, or of any other Materials whatsoever, in or upon which there shall be, or be made or Impressed, or which shall make or Impress the Figure, Stamp, Resemblance or Similitude of both or either of the Sides or flats of any Gold or Silver Coin, now or hereafter Current within this Kingdom; nor shall knowingly make or mend, or proceed to make or mend, or assist in the making or mending of any Edger or Edging Tool, Instrument or Engine not of common Use in any Trade, but Contrived for making of Money round the Edges with Letters, Grainings or other Marks of Figures resembling those on the Edges of Money Coined in Her Majesty's Mint or other Coin made Current within this Kingdom, or that shall hereafter be made Current in this Kingdom by Proclamation, nor any Press for Coinage, nor any Cutting-Engine for Cutting round Blanks by force of a Screw out of flatted Bars of Gold, Silver or other Metall; nor shall knowingly Buy or Sell, Hide or Conceal, or without Lawful Authority or sufficient Excuse for that purpose, knowingly have in his, her or their Houses, Custody or Possession any such Punchcon, Counter-punchcon, Matrrix, Stamp, Dye, Edger, Cutting-Engine, or other Tool or Instrument before-mentioned: And if any Smith, Engraver, Founder, or other person or persons whatsoever, other than and except as aforesaid, shall Offend in any the matters and things aforesaid; then all and every such Offender and Offenders, their Councellores, Procurers, Aiders and Abettors, shall be by the Authority aforesaid Adjudged to be Guilty of High-Treason; and being of the said Offences, or any of them, Convicted or Attainted, according to the Order and Course of the Laws of this Realm, shall suffer Death as in Cases of High-Treason.

None but
what are or
hereafter to
make any
Punchcon,
Counter-
Punchcon or
other Tool
or Matter for
Coyning, &c.

If any Coin-
ed out of the
Mint.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, from and after the said first Day of November, shall without Lawful Authority for that purpose, wittingly or knowingly Convey, or assist in the Conveying out of Her Majesty's Mint or Mints in this Kingdom, or that shall hereafter be in this Kingdom, any Punchcon, Counter-punchcon, Matrrix, Dye, Stamp, Edger, Cutting-Engine, Press, or other Tool, Engine or Instrument, used for or about the Coining of Monies there, or any useful part of such Tools or Instruments, as shall wittingly or knowingly Import or bring into this Kingdom any of them without Lawful Authority; that then as well the said person or persons so Offending, their Councellores, Procurers, Aiders or Abettors, as also all and every person and persons knowingly receiving, hiding or concealing of the same, shall be by the Authority aforesaid, Adjudged Guilty of High-Treason, and being
of

of the said Offences or any of them Committed or Attainted according to the Order and Course of the Laws of this Realm, shall suffer Death as in cases of High-Treason.

And be it further Enacted by the Authority aforesaid, That if any person or persons other than the persons Employed, or hereafter to be Employed in Her Majesty's Mint or Mints, shall after the said First Day of November, Mark on the Edges any Counterfeit Coin resembling Her Majesty's Coin, or other Coin made Current within this Kingdom, or that shall hereafter be made Current in this Kingdom by Proclamation, with Letters or Grainings, or other Marks or Figures like unto those on the Edges of Money Coined in Her Majesty's Mint or Mints in Great-Britain, or like unto those which Her Majesty may hereafter Coin in any Mint or Mints within this Kingdom, or like unto any Foreign Coin made Current within this Kingdom, or hereafter to be made Current in this Kingdom by Proclamation, every such Offence shall be Adjudged High-Treason, and the Offender or Offenders therein, his and their Councelloys, Procurers, Aiders and Abettors, being thereof Committed or Attainted according to the Order and Course of the Laws of this Realm, shall suffer Death as in cases of High-Treason.

None to Mark on the Edges, &c.

And be it further Enacted by the Authority aforesaid, That if any person or persons whatsoever, after the said first Day of November, shall Colour, Guild or Case over with Gold or Silver, or with any Wash or Materials producing the Colour of Gold or Silver, any Coin resembling Her Majesty's Coin, or Foreign Coin made, or that hereafter shall be made Current in this Kingdom by Proclamation, or any Round or other Figured Blanks of base Metall or of course Gold or course Silver of a fit Size and Figure to be Coined into Counterfeit Pilled Money, resembling any of the Gold or Silver Coin of Great Britain, or if any person or persons shall Guild over any Silver Blanks of fit Size and Figure to be Coined into Pieces Resembling the Current Gold Coin of this Kingdom, or that shall hereafter be made Current in this Kingdom, or any other the Coins made or which shall hereafter be made Current in this Kingdom by Proclamation, all and every such person and persons so Offending, their Councelloys, Procurers, Aider and Abettors, shall be Adjudged Guilty of High-Treason, and being Committed or Attainted thereof, according to the Order and Course of the Laws of this Realm, shall suffer Death as in cases of High-Treason.

None to wash or colour either Gold or Silver Coin.

And be it further Enacted by the Authority aforesaid, That if any Punchion, Dye, Stamp, Edger, Cutting-Engine, Press, Flask or other Tool, Instrument or Engine, used or designed for Coining or Counterfeiting Gold or Silver Monies, or part of such Tools or Engines, shall at any time after the said first Day of November, be hid or concealed, in any place, or found in the House, Custody or Possession of any person or persons whatsoever, not then Employed in the Coining of Money in some of Her Majesty's Mints, nor having the same by some Lawful Authority, that then it shall and may be Lawful to and for any person or persons whatsoever, Discovering the same to Seize; and he and they is and are hereby required to Seize the same, and carry them forthwith to some Justice of the Peace of the County, City or Place where the same shall be so Seized, and by him Secured, to be produced in Evidence against any person or persons, who shall or may be Prosecuted for any such Offence, in some Court of Justice proper for the Determination thereof, and after such time as they or any of them shall have been produced in Evidence, as well the same so produced as the other so Seized, and not made use of in Evidence, and every of them shall forthwith by Order of that Court where such Offender or Offenders shall be Tried, or by Order and in the presence of such or some other Justice of the Peace in case there be no such Tryal, be Totally Defaced and Destroyed, and if after the said first Day of November, any Counterfeit or Unlawfully Diminished Money, shall be produced in any Court of Justice, either in Evidence against any person or persons for any Offence relating to the Counterfeiting or Unlawfully Diminishing of Money or otherwise, that then or immediately after Evidence given, the Judge or Judges of such Court shall cause such Money to be Cut in pieces in open Court, or in the presence of some Justice of the Peace, and then to be delivered to or for such person or persons to whom the same of right shall appertain.

All Materials for Coining wheresoever found, to be Seized.

And whereas several Mixtures of Mettals have been Invented in Imitation of Blanced Copper, Gold and Silver, and Blanced Copper is principally made use of in Imitation of Silver, and seldom, if ever, for any honest or good purposes: Be it therefore Enacted by the Authority aforesaid, That if any person or persons whatsoever,

per n. to be Sold.

after the said first Day of November, shall Blanch Copper for Sale, or mix Blanced Copper with Silver, or knowingly Buy or Sell, or offer to Sale Blanced Copper alone or mixt with Silver, or shall knowingly or fraudulently Buy or Sell, or offer to Sale any malleable Composition or Mixture of Metals or Minerals, which shall be heavier than Silver, and look and touch, and wear like Standard Gold, but be manifestly Worse than Standard, or shall Take, Receive or Pay, or put off any Counterfeit Mill'd Money, or any Mill'd Money whatsoever, Unlawfully Diminished, and not cut in pieces at or for a lower Rate or Value than the same by its Denomination doth or shall Import, or was Coined or Counterfeited for; that then all and every such person and persons shall be Deemed and Adjudged Guilty of Felony; and being thereof Convicted or Attainted according to the Order and Course of the Laws of this Realm, shall Suffer Death as in case of Felony.

No Corrupti-
on of Blood.

Provided always, and be it further Enacted by the Authority aforesaid, That this Act, or any thing therein contained, or any Attainder or Attainders of any person or persons, for any Offence or Offences made Treason or Felony by this Act, shall not in any wise Extend and be Adjudged, Interpreted or Expounded to make any Corruption of Blood to any the Heir or Heirs of any such Offender or Offenders, or to make the Wife of any such Offender to Lose or Forfeit her Dower of or in any Lands, Tenements or Hereditaments, or her Title, Action or Interest of and in, or to the same; and that all and every person or persons, that shall at any time after the said first Day of November, be Accused or Impeached of any of the said Offences, made Treason or Felony by this Act, shall or may be Indicted, Arraigned, Tried, Convicted or Attainted by such like Evidence; and in such Manner and Form, as now are or may be by the Laws of this Realm had or used against any Offender or Offenders, for Counterfeiting the Queen's Money, any thing in this Act contained or any other Law or Statute to the contrary notwithstanding.

And whereas the preventing the Currency of Counterfeit Money, is a more effectual means to preserve Coin intire and pure than the most rigorous Laws for Punishment of such as Counterfeit the same.

None to Tender any Counterfeit Money, Her Majesty's Officers to receive only good Money.

And whereas by the known Laws of this Kingdom, no person ought to pay or knowingly Tender in payment any Counterfeit or Unlawful Money; and all persons not only may refuse to Receive the same, but may and by the Ancient Statutes and Ordinances of this Kingdom, have been required to Destroy and Deface the same, and more especially the Officers and Ministers Employed in the Receipt and Disbursement of Her Majesty's Exchequer, by the Duty of Office ought to Receive no Money, but good and true.

And whereas the said Ancient Laws are grown into Disuse, whereby Counterfeit Money Receives a Currency, and Wicked and Traiterous persons are Emboldened to Counterfeit the same.

Bad Money to be Cut, Broken, or Defaced.

Now to the end that Money which now is or hereafter shall be Current in this Kingdom may not be counterfeited, Be it Enacted by the Authority aforesaid, That it is and shall be Lawful to and for any person or persons to whom any Gold or Silver Money shall be Tendered, any Piece or Pieces whereof by the Stamp, Impression, Colour or Weight may be suspected to be Counterfeited, to Cut, Break or Deface such Piece or Pieces, and if any Piece so Cut, Broken or Defaced, shall appear to be Counterfeited, the person so Tendering the same shall bear the Loss thereof; but if the same shall appear to be Lawful Money, the person that Cut, Broke or Defaced the same, shall and is hereby required to take the same at the Rate of its Currency, and if any Question or Dispute shall happen to arise, whether the Piece so cut be Counterfeit? It shall be Heard and Determined, finally by the Mayor, Bayliff or Barliffs, or other chief Officer of any City or Town Corporate, where such Tender shall be made, and if such Tender shall be made out of any such City or Town Corporate, then by the next Justice of the Peace of the County Inhabiting or being near the Place where such Tender shall be made, and the said Mayor or other chief Officer, and Justice of the Peace, shall have full Power and Authority to Administer an Oath as he shall see convenient to any person for Determining any Question relating to the said Piece.

And be it further Enacted by the Authority aforesaid, That all and singular the Officers and Ministers concerned in the Receipt of Her Majesty's Revenue, Aids, Impositions, Duties and Tares given and granted, or to be hereafter given and granted, shall and are hereby required to Cut, Break or Deface, or cause to be Cut, Broken

Broken or Defaced every Piece of Counterfeit, or Unlawfully Diminished Silver Money, shall be Tended in Payment to them for the Use of Her Majesty, Her Heirs or Successors, or for any part of the Revenue, Aids, Impositions, Duties or Taxes of Her Majesty, Her Heirs or Successors.

And forasmuch as a great part of the Coin now Current, or that hereafter may be Current in this Kingdom, is and may be Foreign Coin made current by Proclamation, therefore it is reasonable in case any person or persons should be accused of any Offence relating to such Foreign Coin so made Current, that the Evidence of such Proclamation should be Ascertained: Be it further Enacted by the Authority aforesaid, That from and after the said First Day of November, the Printed Proclamation Ordering, Publishing and Declaring the currency of such Foreign Coin, and Ascertaining the Rates and Value of such Foreign Coin respectively in this Kingdom, shall be taken, deemed and adjudged sufficient Evidence in all Courts of Justice of the currency of such Coin, and that the same is intended to be preserved by this Act from being Counterfeited, as if the Original Proclamation under the Great Seal of this Kingdom were produced.

Foreign Coin
to be declared
by Proclama-
tion.

Provided, That the Clerk of the Council for the time being, or his Deputy, do certify under his Hand and Seal on the back of such Proclamation, that the Original Proclamation under the Great Seal of this Kingdom agrees Verbatim with the Printed Proclamation whereon he Writes such Certificate: Which Proclamations and Certificates thereon Endorsed as aforesaid, the Clerk of the Council for the time being, or his Deputy, are required to send from time to time as Proclamations relating to the currency of Coin shall issue, to the several and respective Clerks of the Crown in this Kingdom, without Fee or Reward.

The Clerk of
the Council
to certify the
Proclama-
on.

Provided always, and be it further Enacted, That this Act shall continue and be in force for Seven Years, and until the end of the next Session of Parliament after the Expiration of the Seven Years: And that no Prosecution shall be made for any Offence against the said Act, unless such Prosecution be commenced within Six Months after such Offence committed.

Prosecution
to be made in
Six Months.

C H A P. VII.

An Act for the better preventing Escapes out of the Prison of the Marshalsea of the Four-Courts.

V Vhereas divers persons legally committed by Her Majesty's several Courts of Record at Dublin, to the custody of the Marshal of the Marshalsea of the said Court, upon Actions for the recovery of Debt or Damages, or for Contempts in not performing Orders or Decrees made in Her Majesty's Courts of Equity, and likewise persons committed in Execution have by corrupt and illegal practices obtained liberty to escape and go at large without satisfaction made to the respective Plaintiff or Creditors, and without performing such Orders or Decrees, to the discouragement of Trade, and in defiance to the good and wholesome Laws heretofore made to restrain such abuses: For remedy whereof, and for preventing the like evil practices for the future, be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in Parliament Assembled, and by Authority of the same, That if any person or persons already committed, rendered or charged, or who shall hereafter be committed, or rendered to, or charged in the custody of the Marshal of the Four-Courts aforesaid, for the time being, either in Execution or upon Resne Processes, or upon any Contempt in not performing any Order or Decree made by any of the said Courts; and if such person or persons shall at any time after such commitment, render, charge or being in Execution, and before he, she or they shall have made payment or satisfaction to the respective Plaintiff or Plaintiffs, Creditor or Creditors, or shall have cleared him, her or themselves of such Contempts as be, he or they were or shall be charged with at the time of such their commitment, render, charge, or being in Execution as aforesaid, make any Escape from the custody of the Marshal of the said Courts for the time being, or from the Prison of the said Marshalsea, or shall go at large at any time after the Nine and Twentieth Day of September, which shall be in this present Year of our Lord God One thousand seven hundred and nine, it shall and may be Lawful, upon Oath thereof in Writing to be made by one or more credible person or persons, before any one of the Judges of that Court where such Action was entered, or Judgment and Execution were obtained, or where the party was so committed or charged as aforesaid, to and for

Any Person making escape from the Marshal of the Four Courts, the Judges may give Warrants to retake which shall be good all over the Kingdom.

In case of Treason or Felony.

Every Mayor, or other Officer to take a Note from the Sheriff.

Sheriff liable for Escapes.

The case of the Bail of such Prisoner.

If the Prisoner escapes, the Sheriff or his Deputy, &c. liable.

The Sheriff for the usual

for such Judge before whom such Oath shall be made as aforesaid, and such Judge is hereby Authorized and Required from time to time to grant unto any person whatsoever who shall demand the same, one or more Warrant or Warrants under his Hand and Seal, therein reciting the Action or Actions, Execution or Executions, contempt or contempts with which such person or persons so Escaping or going at large stood charged, or for which such person or persons were committed, with the Name or Names of the person or persons on whose behalf such Warrant or Warrants shall be demanded; which said Warrant or Warrants shall be in Force in all places within this Kingdom, directed to all Sheriffs, Mayors and other Head Officers, Seneschals, Bayliffs and Constables, therein and thereby requiring them and every of them in their respective Counties, Cities, Towns and Precincts, to seize and retake such person or persons so Escaped or going at large; and such person or persons so retaken upon such Warrant forthwith to convey and commit to the common Goal of such County where such person or persons so Escaped are going at large shall be retaken, there to remain without Bail or Painsprize, or without being thence upon any account whatsoever delivered or removed, until he, she or they shall have made full payment or satisfaction to the respective Plaintiff or Plaintiffs, Creditor or Creditors, in such Action or Actions, Execution or Executions named, or until the Judgment or Judgments on which such Execution or Executions was or were sued out against such person or persons shall be Reversed or Discharged by due course of Law, or until Judgment in such Action or Actions be given for such person or persons so Committed as aforesaid, or until such contempt or contempts for which such person or persons were or shall be committed, be cleared or discharged, except such person or persons be charged with Treason or Felony, or any other crime, matter or cause for and on the behalf of the Queen's Majesty, Her Heirs and Successors: And if such person or persons be removed for any such cause on the behalf of the Queen, Her Heirs and Successors, to any other Goal or Prison, he or she shall be in the custody of such Goal, charged with all the causes with which he or she is or shall be charged in the Goal from whence he or she shall be removed: And every Mayor and other Officer, as aforesaid, after delivery of such Prisoner so retaken, together with such Warrant, to the Sheriff, shall take a Note in Writing from such Sheriff, testifying the Receipt of such Prisoner; which said Sheriff is hereby required to receive such Prisoner and to give such Note, and every such Sheriff after the Execution of such Warrant, shall forthwith make a return thereof to the Court where the respective Action is or shall be depending, or the Judgment, Order or Decree is or shall be had or obtained, which return shall be entered and filed upon Record.

And be it further Enacted, That if any person or persons so retaken by Warrant as aforesaid, shall at any time make any Escape out of the Goal to which he or they shall be so conveyed and committed as aforesaid, the Sheriff in whose custody he, she or they was or were, shall be liable to answer for such Escape as in the case of any other Escape, any Law, Usage or custom to the contrary in any wise notwithstanding.

Provided always, That it shall and may be Lawful to or for any person or persons that are or shall be Bail in any Suit or Action in any of Her Majesty's said Courts of Record at Dublin, for any such person or persons that shall be retaken and conveyed to such Goal as aforesaid by virtue of such Warrant, to have and prosecute out of such of Her Majesty's Courts where he, she or they are or shall be Bail, a Writ directed to the Sheriff of the County, to the Goal whereof such Prisoner so retaken shall be committed and detained, commanding such Sheriff to detain and keep such Prisoner in custody in discharge of his Bail, which Writ, together with an Account whether he hath the said Prisoner in his custody, shall be returned by the said Sheriff into Court at a Day therein to be mentioned, and the delivery of every such Writ to the Sheriff or his Deputy, shall be deemed and taken to be an effectual Render of such Prisoner, to all intents and purposes whatsoever in discharge of the said Bail, and in case such Sheriff or his Deputy, or other his inferior Officer, shall at any time after the delivery of such Writ, suffer the person or persons so rendered in discharge of his, her or their Bail to escape, they and every of them so offending, shall be liable to such Action or Actions, as the Marshal of the Four Courts is liable to, for permitting any person to escape out of his Custody or Prison, who was committed upon render in discharge of his, her or their Bail.

And be it further Enacted, That every such Sheriff upon request of such person or persons being Bail as aforesaid, who shall deliver such Writ for keeping and

detain.

detaining such Prisoners as aforesaid, and who shall pay the usual Fees for Returns of Actions, shall make return and certify under his Hand the Receipt of such Writ and the time of his Receiving the same; and likewise, whether the person so retaken was then in his custody, and in default thereof, shall for every such neglect or refusal forfeit One Hundred Pounds Sterling, to be recovered in any of Her Majesty's said Courts at Dublin, by Action of Debt, Bill, Complaint or Information, wherein no Escoign, Protection, Wager of Law, or any more than one Imparlane shall be allowed, and upon producing such return or certificate to the Court where such Bail shall be taken, such Court shall direct and cause a Redditt se to be Entered upon the Bail-piece, which shall be as effectual to all intents and purposes as if the said Bail had then actually rendered the person of the said Defendant to such Court, or before any Judge or Judges of the same.

Fees shall make return, and the time, &c.

And for the prevention of Disputes touching this Act, Be it Enacted by the Authority aforesaid, That the same and every Clause and Thing therein contained shall be adjudged and taken to be a general Law, and that it shall not be needful to set forth the same or any part thereof in Pleading, and that this Act and every Clause therein shall be construed most beneficially for the preventing of all the mischiefs, abuses, escapes, and other inconveniencies herein provided against.

The Act to be construed most beneficial against escapes.

And be it further Enacted, That if any person or persons shall at any time be Sued for putting in Execution any Power or Authority given by this Act, such person or persons may plead the general Issue, and give in Evidence the special matter, and if the Plaintiff or Plaintiffs in such Action or Actions shall be Non-suit, or shall discontinue his, her or their Action or Actions, or if a Verdict shall be given for the Defendant or Defendants, or that Judgment upon Demurrer shall be given for the Defendant or Defendants, every such Defendant or Defendants, shall have his or their treble costs of Suit.

Judgment be given for the Defendant, he shall have treble Costs.

C H A P. VIII.

An Act for the Encouraging the Discovery and Apprehending of House-Breakers.

V Whereas the Crimes of Burglary and breaking open of Houses in a felonious manner are of late Years become more frequent than formerly, to the great disquiet terror and impoverishing of many of Her Majesty's Subjects: Which Crimes might be in a great measure prevented if due Encouragement were given to such as shall vigorously endeavour the discovering and apprehending of such Malefactors, and some severe punishment inflicted on such as shall Receive or Buy Stolen Goods, and harbour or protect such Offenders: For remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament Assembled, and by the Authority of the same, That from and after the Twenty Ninth Day of September, One thousand seven hundred and nine, all and every person and persons who shall apprehend and take any person or persons Guilty of Burglary or the felonious breaking and entering of any House in the Day time, and Prosecute him or them so apprehended or taken, until he, she or they be Convicted of such Burglary and Felony, shall have and receive the Sum of Five pounds within Twenty One Days after such conviction, to be paid by the Collector of the District where such Felony or Burglary shall be committed and done, without any Fee for the same, to the person or persons so taking, apprehending and prosecuting the said Offenders, he, she or they tendering a Certificate to the said Collector, under the Hand or Hands of the Judges or Justices before whom such Felon shall be convicted for such Burglary or Felony, certifying the conviction of such Felon for the said offence or offences, and in what Parish the same was committed; and also, that such Felon or Felons was or were taken by the person or persons claiming the said reward: And in case any Dispute shall happen to arise between the persons so apprehending any of the said Felons touching the Right and Title to the said Reward, that then the said Judges or Justices so certifying respectively as aforesaid, shall in and by their said Certificate direct and appoint the said reward to be paid to and amongst the said parties claiming the same, in such Share and proportions as to the said Judges or Justices shall seem just and reasonable. And if it shall happen that any such Collector shall die or be removed before the expiration of the said Twenty One Days after such conviction, and demand made of the said reward (not being paid as aforesaid) that then the next succeeding Collector shall pay the same within One Month after demand and Certificate brought as aforesaid; and if

Upon Prosecution and Conviction, the Party Prosecuting to receive Five Pound in Twenty One Days by the Collector of the District, &c.

If the Collector die or be removed the next to pay it.

default of payment of the said Sum or Sums of Money shall happen to be made by any Collector, such Collector so making default shall forfeit to the person or persons to whom such Money is due as aforesaid, double the Sum or Sums of Money he or they ought to have paid, to be received by him, her or them, or his, her or their Executors or Administrators, in any of Her Majesty's Courts of Record at Dublin, by Action of Debt, Bill, Plaint, or Information, wherein but one Imparance, and no Essoign, Protection, or Wager of Law shall be allowed, with treble costs of Suit.

If any Watchman or other person be killed by such Burglar, or in endeavouring to Apprehend him, the Executors, &c. to receive the Gratuity.

The Collector to forfeit Forty pound if he fail to pay.

What the Collector may bring to account in this Case.

If there be not Monies in his hands it shall be paid him a gain from the Vice-Treasurer without Fees.

And if out of Prison discovered two or more persons shall have the Five pounds, and his pardon for all, except Murder or Treason.

The case of receiving or buying stolen Goods.

Although the Felon cannot be taken, the

And be it further Enacted by the Authority aforesaid, That in case any Watchman or any other person or persons shall happen to be killed by any such Burglar or House-breaker, such Watchman or other person or persons endeavouring to apprehend, or in making pursuit after him, her or them, that then the Executors or Administrators of such person or persons so killed, to whom the right of Administration of the personal Estate of such person or persons so killed shall belong, upon Certificate delivered under the Hands and Seals of such Judges or Justices of Assize of the County where the Fact was committed, or to the two next Justices of the Peace of such person or persons being so killed, (which Certificate, the said Judges or Justices respectively, upon sufficient proof before them made are immediately required to give without Fee or Reward) shall receive the Sum of Twenty pounds from the Collector of the District as aforesaid where the said Fact was done and committed, and upon failure of Payment thereof by the said Collector, the Sum of Forty Pounds, to be Recovered against him with treble costs of Suit in Manner and Form aforesaid.

And be it further Enacted by the Authority aforesaid, That every such Collector, his Executors and Administrators, upon producing such respective Certificates, and the Receipts of the Money paid by him in pursuance of this Act, shall be allowed, and is hereby impowered to deduct upon his Accounts, all Monies other than such Penalties or Forfeitures as he shall incur through his own Default as aforesaid, and treble Costs of Suit, which shall be Recovered as aforesaid: And if upon Stating the Account of any Collector, there shall not be Money sufficient in the Hands of such Collector to reimburse him such Money paid by him by virtue of this Act, that then such Collector having so paid the said Money, shall have the same Repaid by the Vice-Treasurer, or his Deputy, for the time being, out of the Revenue of the Crown, clear of all Fees, Charges and Deductions whatsoever, upon a Certificate from the Commissioners of the Revenue for that purpose.

And be it further Enacted, That if any person or persons being out of Prison, shall after the Twenty Fifth Day of September, One thousand seven hundred and nine, Discover Two or more persons who already have or hereafter shall commit any such Burglary or Felony, so as two or more of the persons Discovered shall be convicted of such Burglary or Felony, any such Discoverer shall have the like Reward and Allowance of Five Pounds hereby promised to be paid to the person or persons who shall Apprehend and Convict House-Breakers, and all other Advantages given to such Taker and Prosecutor, and shall be also Intituled to the Gracious Pardon of Her Majesty, Her Heirs and Successors, for all Burglaries, Robberies and Felonies (except Murder and Treason) by such Discoverer committed at any time or times before such Discovery made, which Pardon shall likewise be a good Barr to any Appeal brought for such Burglary or Felony.

And soasmuch as the said Felons are much Encouraged to commit such Burglaries and Felonies, because a great number of persons make it a Trade to Receive and Buy of the said Felons Goods so by them feloniously taken; and also to make it their Business to harbour and conceal the said Offenders after the said Facts, knowing the said Burglaries and Felonies to have been by them committed.

Be it further Enacted by the Authority aforesaid, That if any person or persons shall Receive or Buy any Goods or Chattles, that shall be feloniously taken or Stolen from any other person, knowing the same to be Stolen, or shall Receive, Harbour or Conceal any Burglars, Felons or Thieves, knowing them to be such, shall be taken and deemed as Accessary or Accessaries to the said Felony or Felonies, and being of either of the said Offences legally convicted by the Testimony of one or more credible Witnesses, such Offender shall suffer and incur the Pain of Death as a Felon Convicted.

Provided always, That if such Principal Felon cannot be Taken, so as to be Prosecuted and Convicted for any such Offence; yet nevertheless it shall and may be Lawful to Prosecute and Punish every such person and persons Buying and Receiving

receiving any Goods Stolen by any such principal Felon, knowing the same to be Stolen, as for a Wilsdemanoꝝ to be punished by Fine or Imprisonment, or other such Corporal punishment as the Court shall think fit to Indict, although the principal Felon be not before Convict of the said Felony, which shall exempt the Offender from being punished as accessory to such principal Felon, if such principal Felon shall be afterwards taken and Convicted.

Provided always, and be it further Enacted by the Authority aforesaid, That the Judge or Judges, Justice or Justices before whom such Felons or House-Breakers shall be Convicted as aforesaid, shall Determine and Settle the Right and Shares of such respective Persons, who by virtue of this Act, shall be Intituled to the Certificate by this Act directed to be given, and shall also (being thereunto required) make out and deliver, or cause to be made out and delivered the said Certificate to such person or persons Intituled thereunto, before the end of such Assizes or Sessions where such Conviction as aforesaid, shall be had; for which Certificate one Shilling, and no more, shall be demanded or paid.

Receiver to
be punished.

One Shilling
to be paid
for the Judge's
Certificate.

C H A P. IX.

An Act for delivering Declarations to Prisoners.

Whereas by the Course of Practice in the respective Courts of Record at Dublin, commonly called the Four-Courts, after the Plaintiff or Plaintiffs in any Writ Issued out of any of the said Courts, hath or have been at great Charge to Arrest the Defendant or Defendants upon such Writ, and the Defendant or Defendants for want of sufficient Bail are often committed to Goal, and unless the Plaintiff or Plaintiffs shall before the End of two Terms next after such Arrest, cause such Defendant or Defendants by Writs of Habeas Corpus to be Removed, to be Charged in the said respective Courts, with a Declaration or Declarations of the cause of such Action or Actions, such Prisoner or Prisoners is or are upon a common Bail or Appearance by Attorney Discharged from their Imprisonment, to the great prejudice of the Plaintiff or Plaintiffs; For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled; and by Authority of the same, That if at any time from and after the first Day of November, in this present Year One thousand seven hundred and nine, any Defendant or Defendants shall be Taken or Charged in Custody at the Suit of any person or persons, upon any Writ or Writs out of any of the said Courts at Dublin, and Imprisoned or Detained in Prison for want of Sureties, for their Appearance to the same, the Plaintiff or Plaintiffs in such Writ or Writs, shall and may, before the end of the next Term after such Writ or Process shall be returnable, Declare against such Prisoner or Prisoners in the respective Court or Courts out of which the Writ or Writs shall Issue, whereupon the said Prisoner or Prisoners shall be Taken and Imprisoned, or Charged in Custody; and shall or may cause a true Copy thereof to be delivered to such Prisoner or Prisoners, or to the Goaler or Keeper of the Prison or Goal in whose Custody such Prisoner or Prisoners shall be or remain, to which Declaration or Declarations the said Prisoner or Prisoners shall appear and Plead: And if such Prisoner or Prisoners shall not appear and Plead to the same before the end of the Term next after such Declaration or Declarations shall be so Delivered as aforesaid, the Plaintiff or Plaintiffs in such cases shall have Judgment as if the Prisoner or Prisoners had appeared in the said respective Courts, and refused to answer or plead to such Declaration or Declarations.

And be it further Enacted, That in all Declarations against any Prisoner or Prisoners detained in Prison by virtue of any Writ or Process, to be Issued from and after the time aforesaid out of the Court of Queen's-Bench, it shall be alledged in Custody of what Sheriff, Bailiff or Steward of any Franchise or other person, having the Return and Execution of Writs, such Prisoner or Prisoners shall be at the time of such Declaration by virtue of the Process of the said Court at the Suit of the Plaintiffs, which Allegations shall be as good and effectual to all intents and purposes, as if such Prisoner or Prisoners were in the Custody of the Marshal of the said Four-Courts of our Sovereign Lady the Queen.

CHAP. X.

An Act for amending an Act Intituled, *An Act for the Publick Registering of all Deeds, Conveyances and Wills, that shall be made of any Honors, Manors, Lands, Tenements or Hereditaments.*

In case of
Death if Resi-
ding in Great-
Britain.

Whereas an Act made in this Kingdom in the Sixth Year of the Reign of Her present Majesty, Intituled, *An Act for the Publick Registering of all Deeds, Conveyances and Wills, that shall be made of any Honors, Manors, Lands, Tenements or Hereditaments.* Is of good Design and publick Benefit, but has been found by Experience to be defective in several particulars; For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That a Memorial of all such Deeds and Conveyances as have been made and Executed since the Twenty Fifth Day of March One thousand seven hundred and eight, being the time of the Commencement of the said former Act, and that shall hereafter be Made and Executed in the Kingdom of Great-Britain, and of all Wills and Devises, in Writing where the Devisor or Testatrix hath Died since the said Twenty Fifth Day of March One thousand seven hundred and eight, or shall hereafter Die, and the Devisees in such Will residing in Great-Britain, of or Concerning, or whereby any Honors, Manors, Lands, Tenements or Hereditaments within this Kingdom of Ireland, are or may be any way affected, shall be Entered or Registered by the Register appointed by virtue of the said former Act of Parliament or his Deputy, in case an Affidavit sworn before one of the Judges of any of the Courts at Westminster, or a Master in Chancery, or before the Justices of the Peace in open Court, at any General Quarter-Sessions in the said Kingdom of Great-Britain, be brought with the said Memorial to the said Register or his Deputy, in which Affidavit one of the Witnesses to the Execution of such Deeds and Conveyances, shall Swear he or she saw the same Executed and the Memorial Signed and Sealed, or in which Affidavit, one of the Witnesses to the Memorial of any Will, shall Swear he or she saw such Memorial Signed and Sealed; and such Affidavit shall be a sufficient Authority to the said Register or his Deputy, to give the party that brings such Memorial and Affidavit, a Certificate on the Deed, or on a separate and distinct Parchment, the Deed not being produced of the Registering such Memorial, which Certificate Signed by the said Register or his Deputy, shall be taken and allowed as Evidence of the Registries of the same Memorials in all Courts of Record whatsoever, any thing in the said former Act, or in this Act contained to the contrary thereof in any wise notwithstanding.

The Pages of
the Register-
Book to be
numbered.

And be it further Enacted by the Authority aforesaid, That every Page of such Register-Books and every Memorial that shall be Entered therein shall be Numbered, and the Day of the Month, and the Year and Hour, or time of the Day, when every Memorial is Registered, shall be Entered in the Margins of the said Register-Books, and in the Margins of the said Memorial.

And be it further Enacted by the Authority aforesaid, That in case of Mortgages, whereof Memorials have been already Enter'd, or shall be Enter'd in the said Register-Office, pursuant to the aforesaid Act, if at any time afterwards a certificate shall be brought to the said Register or his Deputy, Signed and Sealed by the respective Mortgagor or Mortgagors, in such Mortgage, his, her or their respective Executors, Administrators or Assigns, and Attested by two or more Witnesses, one of which Witnesses shall by Affidavit to be made before the said Register or his Deputy, or persons Impowered by the said former Act, or by this Act, for taking Affidavits (who are hereby Impowered and Required to Administer such Oath) prove such Monies to be satisfied and paid accordingly, and that he or she saw such certificate Signed and Sealed by the said Mortgagor or Mortgagors, his, her or their respective Executors, Administrators or Assigns, that then and in every such case the said Register or his Deputy shall make an Entry in the Margin of the said Register-Books against the Registry of the Memorial of such Mortgage, that such Mortgage was satisfied and discharged according to such Certificate, to which the same Entry shall refer, and shall after file such Certificate and Affidavit to remain upon Record in the said Register Office, for which Entry the said Register shall be allowed Six Pence, and no more.

And

And be it further Enacted by the Authority aforesaid, That if any person or persons shall at any time Forge or Counterfeit any such Certificate as is herein before mentioned and directed, and be thereof Lawfully Convicted, such person or persons, shall incur and be liable to such pains and penalties as in and by an Act of Parliament made in the Twenty Eighth Year of the Reign of Queen Elizabeth, of Blessed Memory, Intituled, An Act against Forging Evidences: are imposed upon Offenders therein mentioned. And that if any person or persons shall at any time Forswear him or herself before the said Register or his Deputy, or other persons impowered by the said former Act, or this Act, for taking Affidavits in any of the cases aforesaid, and be thereof Lawfully Convicted, such person or persons shall incur and be liable to the same Penalties as if the same Oath had been made in any of the Courts of Record in Dublin.

The Penalty for Forgery or Counterfeiting Certificates.

And be it further Enacted by the Authority aforesaid, That the said former Act and this present Act shall be taken and allowed in all Courts within this Kingdom as publick Acts, and all Judges, Justices and other persons therein concerned, are hereby required as such, to take Notice thereof without Special Pleading the same.

This and the former Act to be taken as Publick Acts.

And be it further Enacted by the Authority aforesaid, That every Judge and Judges of Assize, at every Assizes in his and their Circuits, and the Justices of the Peace at every Quarter Sessions in every County in this Kingdom, within the Space of Three Years from and after the Royal Assent shall be given to this Act, shall cause the said former Act and this present Act to be Read in open Court, and the same shall be then and there given in Charge.

This and the former Act to be Read in open Court.

C H A P. XI.

An Act for the better Payment of Inland-Bills of Exchange, and for making Promissary Notes more Obligatory.

WHerras great Damages and other Inconveniences do frequently happen in the course of Trade and Commerce, by reason of Delays of Payment and other Neglects on Inland-Bills of Exchange in this Kingdom.

Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of September, which shall be in the Year of our Lord One thousand seven hundred and nine, all and every Bill or Bills of Exchange Drawn in or Dated at and from any Trading City or Town or any other Place in this Kingdom, of the Sum of five Pounds Sterling, or upwards, upon any person or persons of or in Dublin, or any other Trading City, Town or any other Place, in which said Bill or Bills of Exchange, shall be acknowledged and expressed the said Value to be received, and is and shall be Drawn Payable at a certain Number of Days, Weeks or Months after Date thereof, and from and after Presentation and Acceptance of the said Bill or Bills of Exchange, which Acceptance shall be by the Under-Writing the same under the Parties Hand so Accepting, and after the Expiration of three Days after the said Bill or Bills shall become due, the Party to whom the said Bill or Bills are made payable, his Servant, Agent or Assigns, may and shall cause the said Bill or Bills to be Protested by a Notary Publick, and in Default of such Notary Publick, by any other substantial Person of the City, Town or Place, in the presence of two or more credible Witnesses, Refusal or Neglect being first made of due Payment of the same, which Protest shall be made and Written under a fair Written Copy of the said Bill of Exchange, in the Words or Form following.

Value received to be acknowledged and expressed, &c.

The form of Protasting.

KNOW all Men that I *A. B.* on the _____ Day of _____ at the usual place of Abode of the said _____ have demanded Payment of the Bill, or Acceptance of the Bill, of which the above is the Copy; which the said _____ did not pay, or did not Accept: Whereof I the said _____ do hereby Protest the said Bill. Dated at _____ this _____ Day of _____

Which Protest so made as aforesaid, shall within Fourteen Days after making thereof be sent, or otherwise due Notice shall be given thereof to the Party from whom the said Bill or Bills were Received, who is upon producing such Protest to

Repay the said Bill or Bills, together with all Interest and Charges from the Day such Bill or Bills were Protested; for which Protest shall be paid a Sum not exceeding the Sum of Two Shillings: And in default or neglect of such Protest made and sent, or due notice given within the Days before limited, the Person so failing or neglecting thereof, is and shall be liable to all Costs, Damages and Interest which do and shall accrue thereby.

If the Bill
lost, the
Drawer to
to give ano-
ther, &c.

Provided nevertheless, That in case any such Inland Bill or Bills of Exchange shall happen to be lost or miscarried within the time before limited for payment of the same, then the Drawer of the said Bill or Bills is and shall be obliged to give another Bill or Bills, of the same Tenor with those first given; the person or persons to whom they are or shall be so delivered giving Security, if Demanded, to the said Drawer, to indemnify him against all persons whatsoever in case the said Bill or Bills of Exchange so alleged to be lost or miscarried shall be found again.

The case of
not accept-
ing.

And be it further Enacted by the Authority aforesaid, That from the said first Day of September, in the Year of our Lord one thousand seven hundred and nine, in case upon presenting any such Inland Bill or Bills of Exchange, the party or parties on whom the same shall be Drawn, shall refuse to accept the same by Under-Writing the same as aforesaid, the party to whom the said Bill or Bills are made payable, his Servant, Agent or Assigns, may and shall cause the said Bill or Bills to be Protested for Non-acceptance in manner aforementioned; for which Protest there shall be paid two Shillings, and no more.

Provided always, That from and after the said first Day of September, One thousand seven hundred and nine, no Acceptance of any such Inland Bill or Bills of Exchange, shall be sufficient to charge any person whatsoever, unless the same be Under-Written or Indorsed in Writing thereupon, and if such Bill be not accepted by such Under-Writing or Indorsement in Writing, no Drawer of any such Inland Bill shall be liable to pay any Costs, Damages or Interest thereupon, unless such Protest be made for Non-acceptance thereof, and within Fourteen Days after such Protest, the same to be sent or otherwise Notice thereof be given to the party from whom such Bill was received or left in Writing at the place of his or her usual Abode, and if such Bill be accepted and not paid before the Expiration of three Days after the said Bill shall become due and payable, then no Drawer of such Bill shall be compellable to pay any Costs, Damages or Interests thereupon, unless a Protest be made and sent, or notice thereof be given in Manner and Form above mentioned, nevertheless every Drawer of such Bill shall be liable to make payment of Costs, Damages and Interests upon such Inland Bill if any one Protest be made for Non-acceptance or Non-payment thereof, and Notice thereof be sent, given or left as aforesaid.

Provided, That no such Protest shall be necessary either for Non-acceptance or Non-payment of any Inland Bill of Exchange, unless the Value be acknowledged and expressed in such Bill to be received, and unless such Bill be Drawn for the payment of five pounds Sterling, or upwards, and that the Protest hereby required for the Non-acceptance, shall be made by such persons as are appointed by this Act to Protest the same.

If accepted
for satisfacti-
on to be ac-
counted com-
pleat.

And be it further Enacted by the Authority aforesaid, That from and after the said first Day of September, One thousand seven hundred and nine, if any person doth accept any such Bill of Exchange for and in satisfaction of any former Debt or Sum of Money formerly due unto him, the same shall be accounted and esteemed a full and compleat payment of such Debt, if such person accepting of any such Bill for his Debt doth not take his due Course to obtain Payment thereof by endeavouring to get the same accepted and paid, and make his Protest as aforesaid, either for Non-acceptance or Non-payment thereof.

Nothing to
extend to
discharge any
Remedy, &c.

Provided, That nothing herein contained shall extend to Discharge any Remedy that any person may have against the Drawer, Acceptor or Indorser of such Bill.

And whereas it hath been held, That Notes in Writing Signed by the party who makes the same, whereby such party promises to pay unto any other person, or his Order, any Sum of Money therein mentioned, are not Assignable or Indorsable over within the Custom of Merchants to any other person, and that such person to whom the Sum of Money mentioned in such Note is payable, cannot maintain an Action by the Custom of Merchants against the person who first made and Signed the same, and that any person to whom such Note should be Assigned, Indorsed

Indorsed or made payable, could not within the said Custom of Merchants maintain any Action upon such Note, against the person who first Drew and Signed the same: Therefore to the intent to Encourage Trade and Commerce, which will be much advanced if such Notes shall have the same Effect as Inland Bills of Exchange, and shall be Negotiated in like manner: Be it further Enacted by the Authority aforesaid, That all Notes in Writing after the said First Day of September, in the Year of our Lord One thousand seven hundred and nine, which shall be Made and Signed by any person or persons, or by the Servant or Agent of any Banker, Goldsmith, Merchants or Trader, who is usually intrusted by him, her or them, to Sign such Promissary Notes for him, her or them, whereby such person or persons, his, her or their Servant or Agent as aforesaid, doth or shall promise to pay to any other person or persons, his, her or their Order, or unto Bearer, any Sum of Money mentioned in such Note, shall be taken and Construed to be by vertue thereof due and payable to any such person or persons to whom the same is made payable; and also every such Note payable to any person or persons, his, her or their Order, shall be Assignable or Indorsable over in the same manner as Inland Bills of Exchange, are or may be according to the Custom of Merchants; and that the person or persons to whom such Sum of Money is or shall be by such Note made payable, shall and may maintain an Action for the same in such manner as he, she or they might do upon any Inland Bill of Exchange made or drawn according to the Custom of Merchants, against the person or persons who or whose Servant or Agent, as aforesaid, Signed the same: And that any person or persons to whom such Note that is payable to any person or persons, his, her or their Order, is Indorsed or Assigned, or the Money therein mentioned Ordered to be paid by Indorsement thereon, shall and may maintain his, her or their Action for such Sum of Money, either against the person or persons who or whose Servant or Agent, as aforesaid, Signed such Note, or against any of the persons that Endorsed the same, in like manner as in cases of Inland Bills of Exchange; and in every such Action the Plaintiff or Plaintiffs shall recover his, her or their Damages and Costs of Suit: And if such Plaintiff or Plaintiffs shall be Sued, or a Verdict be given against him, her or them, the Defendant or Defendants shall recover his, her or their Costs against the Plaintiff or Plaintiffs: And every such Plaintiff or Plaintiffs, Defendant or Defendants, respectively recovering, may Sue out Execution for such Damages and Costs by Capias, Fieri Facias or Elegit.

And be it further Enacted by the Authority aforesaid, That all and every such Actions shall be Commenced, Sued and brought within such time as is appointed for Commencing or Suing Actions upon the Case, by the Statute made in the Tenth Year of the Reign of King Charles the First, Intituled, An Act for limitation of Actions, and for avoiding of Suits in Law.

C H A P. XII.

An Act to amend the Defects of such Acts as have been made relating to the *Hemp* and *Flaxen Manufactures*; And to Encourage the further Improvement thereof.

INASMUCH as several Acts of Parliament made in this Kingdom, especially one Act made in the Sixth Year of Her present Majesty's Reign, Intituled, An Act for the Encouragement and Improvement of the *Hemp* and *Flaxen Manufacture*, have been found by experience not to have fully and effectually answered the purposes for which they were intended, and that particularly because no mention is made nor Encouragement given for *Flax-Seed* to be Imported; which if Granted, would greatly Conduce to the Improvement of the *Linnen Manufacture* of this Kingdom.

Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That whosoever shall Import or cause to be Imported into this Kingdom, any good and sound *Flax-Seed* of the Growth of *Russia*, *Germany*, the *Netherlands*, or *East Country*, at any time within the remainder of the *Five Years* in the said recited Act mentioned, shall receive for every *Hoghead* of such *Flax-Seed* as a premium the Sum of *Five Shillings*, to be paid to the Importer by such Officer, and in such manner

manner as the five Shillings a Hoghead for Hemp-Seed is by the said Act directed and appointed to be paid.

Premium for
Sail-cloth.

And for a further Encouragement to the Manufacture of Sail-Cloth, Be it Enacted, That over and above what is allowed in the said former Act, and for every Yard of Sail-Cloth made of sound and good Hemp of Ten pence per Yard value, and under fourteen pence so Exported, the Sum of one penny; and for every Yard of Main-Sail or course Canvas in imitation of Holland Duck, of the value of fourteen pence or more, made of Hemp, two pence, for the Term of three Years from the five and Twentieth of September, One thousand seven hundred and nine, be paid to the Importer by such Officer, and in such manner, and upon such Examination and Proof as by the said Act is directed and appointed.

Houses of
Correction.

And whereas no Provision is made by the said Act, for Creating and Enlarging the Houses of Correction in Counties of Cities and Counties of Towns, and for making the same Work-Houses as is thereby provided for Counties at large.

For Remedy whereof, Be it further Enacted by the Authority aforesaid, That the several Houses of Correction in all and every of the Counties of Cities and Counties of Towns, shall before the Twenty Fourth Day of June, One thousand seven hundred and ten be sufficiently Enlarged; and in case such Enlargement cannot conveniently be made for want of a sufficient quantity of Ground thereto next adjoining, then and in such case, the said House and Houses of Correction shall be Built in some other more convenient place within the same County of City or Town where there shall be a sufficient quantity of Ground for the doing thereof, such place or places where the same shall be Built, being set out and appointed by the Grand-Jury of every such County of City or Town, at the Summer Assizes, to be held yearly for every such County of City or Town, by and with the consent of the Proprietors of such Ground, with all the like Conveniences of Dressing and Preparing of Hemp and Flax or either of them, at the charge of every such County of Town or City respectively; and that the Grand-Jury of every such County of City or Town, at the Summer-Assizes to be held yearly for every such County, may be and are hereby required and Impowered to choose and Name Overseers for such Work-house not exceeding three in Number, which Overseers or any two of them, are also to nominate and appoint Keepers or Masters of the said Houses of Correction or Work-house in their respective Counties, which said Overseers or Masters of Houses, shall be under such Qualifications, Rules, Directions, Restrictions and Orders, as are set forth more fully in the aforesaid Act, in relation to Overseers and Masters of Houses of Correction and Work-houses of Counties at large, as also to have the same Salaries, Allowances, or other Sum or Sums of Money yearly to them respectively paid, and after the same manner with the like Advantages and profits arising out of each said House, as Masters or Keepers of such Houses in the Counties at large by virtue of the said Act.

Spinning-
School.

And be it further Enacted by the Authority aforesaid, That a Spinning-School or a School for Teaching to Spin Hemp or Flax, shall be from and after the Twenty Fourth Day of June One thousand seven hundred and ten, kept and taught in every County of a Town or County of a City, where any such Work-house as herein mentioned shall be to the same end and purpose; and under the care of a person duly Qualified pursuant to the said Act, to be nominated and appointed by the Overseers or any two of them respectively of every such Work-house; and that the person so teaching to Spin Hemp or Flax shall be a Master or Mistress, and be under the same Government and Direction of such Overseers or any two of them, and be paid such Annual Sums or Salaries, and receive such Profits and Advantages out of the said School as persons Employed in such Schools in the Counties at large, have by virtue of the said Act.

And for Encouraging the Masters and Keepers of such Houses of Correction and Work-houses, fully to Teach and Instruct his Apprentices in the Art and Mystery of well ordering and preparing of Hemp or Flax, or either of them.

Apprentices
to the Masters
of Work-hou-
ses.

Be it further Enacted by the Authority aforesaid, That every such Master or Keeper, who shall so fully Instruct and Teach his Apprentice or Apprentices the said Art or Mystery, as shall be approved of and allowed by the respective Overseers or any two of them for the time being, and the Grand-Jury of the said County at any Assizes for the said County, to be Master of the said Art or Mystery, that then such Master shall for the space of Ten Years, and no longer, to commence from the first Day of September, which shall be in the Year of our Lord One thousand se-

ben hundred and nine, have for each and every such Apprentice, not exceeding five in Number, the Sum of Forty Shillings; which said Sum shall be presented by such Grand-Jury in each County, and apportioned in the same manner as other County Taxes or Cesses are; and when Levied, the same shall be paid to such Master or Keeper accordingly, without any Fee or Reward to be given for the same, any Act to the contrary made in any wise notwithstanding.

And for the better Encouragement and Advancement of the Trade, Art or Mystery of the Weaving and making of Flaxen and Hempen Cloth: Be it further Enacted by the Authority aforesaid, That if any person whatsoever being a Native of this Kingdom, not having served his Apprenticeship to the Trade of Weaving Flaxen Cloth for the space of five Years, and for the Weaving of Sail-Cloth for the space of two Years, and not having wrought at the Flaxen Trade as a Journey-man for the space of two Years, shall from and after the said first Day of September, set up for himself, and keep a Loom, and work at the same as a Weaver of Linnen Cloth, such person so acting, shall upon Complaint and Oath made thereof, before any Justice of the Peace in such County wherein such person so acting shall live, work or reside, be bound over to the next General Sessions of the Peace held for such County; and being thereof lawfully convicted, he shall for every such Offence forfeit the Sum of fifty Shillings, to be levied by Distress and Sale of his Goods, by Warrant from such Sessions of the Peace, rendering to the Party the Overplus, one half of the said forfeiture to be for the Use of the person who shall prosecute and sue for the same, and the other half to the Poor of the Parish wherein he doth live or reside; and where no Distress shall be found, such Offender shall be committed to the House of Correction for the space of one Month.

Weaver when to set up for himself.

Penalty.

And whereas the Nature of the Soil of this Kingdom is very different in the several Provinces thereof, so that some Parts or Counties therein are more proper to produce Hemp, and other Parts or Counties Flax. And whereas the Spinning of Hemp is more properly the Work or Labour of Men, and Spinning Flax the Work or Exercise of Women: Be it therefore Enacted by the Authority aforesaid, That any person may be deemed and allowed by the Overseers, or any two of them, of such Work-houses, to be duly qualified to be Masters or keepers of such Work-houses, who shall be sufficiently Skilled in the saving, managing and Dressing of either Hemp or Flax: As also that Men may be allowed to keep, teach and manage such Spinning-schools as are or shall be appointed for Spinning of Hemp, and Women or Men those for the Spinning of Flax, any thing to the contrary hereto in any former Act notwithstanding.

Masters and Mistresses of Work houses.

And whereas several Persons have been prosecuted by Indictment or Indictments, or otherwise, for what they have acted or done in pursuance of the said former Acts for Improvement of the Hempen and Flaxen Manufactures of this Kingdom, or any of them, whereby they have been put to great Charges and Trouble: Be it further Enacted by the Authority aforesaid, That in case any person or persons now are or shall hereafter be prosecuted by Indictments, or be otherwise sued or impleaded for what he or they have done, or shall do, in pursuance of this or the said former Acts, or any of them; it shall be lawful to and for such person or persons so prosecuted, or otherwise sued or impleaded, upon any Action or other Suit brought or to be brought or commenced against him or them, for Acting pursuant to the said Acts, or any of them, to plead the General Issue, and give this and the said former Acts, or any of them, in Evidence: And if the Plaintiff be Non-suit, or Verdict pass against him, or such person or persons be acquitted on such Indictment, the Defendant shall have treble Costs, to be paid by such Plaintiff or Person who shall on Behalf of Her Majesty prosecute such Indictment: And that the said Action or Indictment shall be Tried in the proper County where such cause of Action or Suit did arise, or such Fact was or shall be committed, and not elsewhere: And if the said Action or Suit be brought, or Indictment found, in any other County than where the said Fact was or shall be committed, or Cause of Action or Suit did arise; Verdict shall in every such case pass for the Defendant, and such Defendant shall be dismissed, and shall have treble Costs to be paid by such Plaintiff or Prosecutor as aforesaid.

Persons Indicted for executing the Act to plead the general Issue.

Treble Costs.

C H A P. XIII.

An Act for Dissolving the Union of *Tynan* and *Derrynoose*, And for Building several Parish-Churches in more convenient Places in the Diocess of *Armagh*.

WHEREAS pursuant to an Act of Parliament passed in this Kingdom, in a Session held in the Fourteenth and Fifteenth Years of the Reign of King Charles the Second, Intituled, An Act for Real Union and Divisions of Parishes, and concerning Churches, Free-Schools and Exchanges, the Parish and Rectory of Derrynoose in the Diocess of Armagh, is United in perpetuity to the Parish and Rectory of Tynan in the said Diocess; and the said Parishes and Rectories of Derrynoose and Tynan are made and constituted one intire Rectory and Parish, by and under the Name of the Rectory and Parish of Tynan.

And whereas by the late Increase of Protestant Inhabitants in the said United Parishes of Tynan and Derrynoose, the Cure is become too great to be discharged by one Minister, and the Parochial Church of the said United Parishes is not large enough for the convenient Accomodation of the Parishoners of the said United Parishes, to hear Divine Service and perform Religious Duties in; as also for that most part of the said late Parish of Derrynoose lieth at too great a distance from the Parochial Church of the United Parishes.

For Remedy therefore of the said Inconveniencies, and to the end that the Cure of the Souls of the Inhabitants of the said United Parishes may be better Attended and taken care of than the same can be by one person, and the Inhabitants of the said United Parishes be encouraged by the Accommodation they will have for the Worship of God in publick, frequently and constantly to resort and repair to their several Parish Churches for the due performance of Religious Duties, Be it Enacted by the Queens Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled and by the Authority of the same, That from and after the Twenty Fifth Day of September, One thousand seven hundred and nine, the said Union of the said Parishes of Derrynoose and Tynan be Null and Void; and the same is hereby declared to be Null and Void to all intents and purposes whatsoever, and the said Parishes of Tynan and Derrynoose are and shall for ever hereafter be deemed, esteemed and taken as two distinct Parishes, and be divided and separated in such manner and by such Wires and Bounds as they were before they were United as aforesaid, and each of them shall be separate and independant from the other, and shall each of them by it self have all Parochial Rights and Priviledges as separate and distinct Parishes, any thing in the said Act of Parliament or the said Union to the contrary thereof in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That there shall be for each of the said Parishes a several Parochial Church, and a Rector or Minister, several and independant from the other, and constant and perpetual Succeeding Rectors or Ministers there for ever, who shall each of them have respectively the Cure of Souls in the said respective Parishes, and have, enjoy and receive from the Inhabitants of their said respective Parishes, all such Tythes, Oblations, Obventions, Easter Dues, and other Duties, Rates, Assessments or Taxations, as arise, grow or renew within the said respective Parishes, and are due, and of right ought to be paid to the Rectors or Ministers of such Parishes; and that there shall be for each of the said Parishes, Church Wardens, a Parish Clerk, and other usual Parish Officers in Succession for ever, who shall perform the several and respective Parish Duties belonging to their respective Offices; and have and receive the several and respective Profits, Benefits, Advantages and Priviledges usually enjoyed with and of right belonging to such respective Offices in Parishes; and also, that all the Parishoners, Inhabitants, and others of the said respective Parishes, shall separately pay all Parish Charges, Assessments and other Duties, in such manner as they should or ought to have done in case the said Union had never been made; And also that the Minister or Rector, and Parishoners of each of the said Parishes, shall and may hold Vestries and make Rules and Orders, for the regulation and ordering of their respective Parishes; and for the Reparations of the said Parish Churches from time to time, and of all other Matters incident

to Parishes as any other Parishes may or can do, which Rules and Orders so to be made, shall have the same Force and Effect in Law, as Rules and Orders by them made before the said Union, and no greater or other.

And be it further Enacted by the Authority aforesaid, That the Right of Patronage of the said several Rectories, and of Collation to the said Churches on the present Avoidance of the said Church of Derrynoose, and the Avoidance of each of the said Churches of Tynan and Derrynoose, respectively by the Death, Cession or Removal of the respective Incumbents thereof, shall belong unto his Grace the Lord Arch-Bishop of Armagh, and his Successors for ever, in such manner as it did before the making the said Union, and not otherwise.

And whereas the Ancient Parish Church of Derrynoose is very inconveniently situated and in a ruinous Condition, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Arch-Bishop of Armagh, and the Rector of the said Parish of Derrynoose for the time being, with the consent of the Church-Wardens and the Major part of the Inhabitants thereof, at a Vestry to be held in some convenient place in the said Parish, within four Days after publick Notice be given thereof for that purpose to all the Parishioners, by Writing under the Hand of the said Arch-Bishop of Armagh, to Build a new Church in some more convenient place in the said Parish as they shall think fit, the Land for the Church and Church-Yard, being first conveyed by the Proprietor of such place to the Rector or Minister of the said Parish, and his Successors for ever, and that it shall and may be lawful for such Proprietor, and he or she is hereby enabled to sell out, grant and convey a sufficient parcel of Ground not exceeding one Acre and an half of Plantation-Measure, to the Rector or Minister of the said Parish and his Successors, in Trust and for the Use of the said Parish, who is hereby enabled to take and receive a grant of the same to him and his Successors for ever, any Settlement, Law or Act of Parliament to the contrary hereof in any wise notwithstanding.

And if the Church-Wardens and Major part of the Parishioners shall not within the space of Three Years after the first Day of November, One thousand seven hundred and nine, agree upon some place to build the said Church on, the Arch-Bishop of the Diocese for the time being, with the consent of the Proprietor of the Land where the said Church is to be built on, shall appoint a place for building the said Church in the said Parish, in the Centre of the said Parish, or as near thereunto as conveniently may be, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wise notwithstanding.

And the said Church, when Built and Consecrated, shall for ever remain, be deemed and reputed the true and only Parish Church of the said Parish of Derrynoose to all Intents and Purposes whatsoever.

And whereas the Parish Church of Killeevy in the said Diocese of Armagh, is very inconveniently situated, and very remote from the Inhabitants of the said Parish: Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Rector or Incumbent, and Church-Wardens of the said Parish for the time being, by and with the Consent and Approbation of the Arch-Bishop of Armagh for the time being, under his Hand and Seal, and by the consent of the major part of the Inhabitants thereof assembled at a Vestry to be held for that purpose, to build a new Church in such more convenient place in the said Parish as they shall think fit; the Lands on which such Church shall be built, with a convenient Church-Yard, being first conveyed by the Proprietor thereof to the Rector or Incumbent of the said Parish, and his Successors for ever; and that it shall and may be lawful for the said Proprietor to convey and grant any Quantity of Land, not exceeding one Acre and half of Plantation-Measure: And the said Rector or Incumbent is hereby enabled to take and receive such Grant of such Land for the Use aforesaid, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wise notwithstanding.

And the said Church when Built and Consecrated, shall for ever remain, and be deemed and reputed the true and only Parish Church of the said Parish of Killeevy to all intents and purposes whatsoever.

And be it further Enacted by the Authority aforesaid, That the Precinct or Territory of Tartaraghan in the County of Armagh, shall from and after the first Day of November in this present Year of our Lord One thousand seven hundred

and nine, for ever be a Parish by the Name of the Parish of Tartaraghan ; and that there shall be for the said Parish a Rector, Church-Wardens, a Parish Clerk and other usual Officers in Succession for ever, who shall perform the several and respective Parish Duties belonging to their respective Offices ; and shall have and receive the profits, benefits, privileges and advantages usually enjoyed with, and of right belonging to such Offices in Parishes.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Arch-Bishop of Armagh for the time being with the consent of the Church-Wardens and major part of the Inhabitants of the said Parish, in Writing under their Hands at a Vestry to be held within Four Days after publick Notice thereof given for that purpose, to Build a new Church in the Center of the said Parish or as near thereunto as conveniently may be, the Land for the Church and Church-Yard being first conveyed by the Proprietor of such Place to the Rector or Incumbent of the said Parish, and to his Successors for ever.

And that it shall and may be lawful to and for any Proprietor of Lands within the said Parish, Precinct or Territory of Tartaraghan, to Grant and Convey to the Rector or Incumbent of the said Parish, and to his Successors for ever, sufficient Ground not exceeding two Acres of Plantation-Measure for Building and Making a Church and Church-Yard ; the said Grant and Conveyance to be in Trust for and for the Benefit of the Inhabitants of the said Parish : And the said Rector or Incumbent is hereby enabled to take such Grant or Conveyance, the Statute of Mortmain, or any other Act of Parliament, Law or Settlement to the contrary thereof notwithstanding.

And the said Church, when Built and Consecrated, shall be called, reputed and remain the Parish-Church of the said Parish of Tartaraghan for ever ; and that the said Church shall be Built at the Charge of such Parishioners on such convenient part of the said Land so to be purchased, as the said Rector, Church-Wardens, and major part of the Inhabitants of the said Parish of Tartaraghan assembled in Vestry, shall by Writing under their Hands appoint and direct.

And be it further Enacted by the Authority aforesaid, That Alexander Shand Clerk, shall be the first Rector of the said Rectory or Parish of Tartaraghan : Which said Rector and his Successors, shall be subject to the Visitation and power of the Ordinary of the Diocese of Armagh, and of such Canons, Rules and Laws Ecclesiastical, as other Rectors or Parish-Churches usually are, and of right ought to be subject and liable unto. And also, that the said Rector and Parishioners of the said Parish shall and may hold Vestries, and make Rules and Orders for the Regulation and Ordering of the said Parish, and for the Reparations of the said Parish-Church from time to time, and of all other matters incident to Parishes, and in such manner as any other Parish may or can do ; which Rules and Orders so to be made, shall have the same Force and Effect in Law, as Rules and Orders made in other Parishes, have or ought to have.

And whereas Francis Obre of Clantlew in the County of Armagh, Gentleman, by his Deed bearing Date the Sixteenth Day of June, One thousand six hundred ninety eight, for the considerations therein mentioned, and in order to have the Cure of the said Precinct or Territory of Tartaraghan duly served, did Grant and Convey unto the Most Reverend Father in God Michael late Lord Arch-Bishop of Armagh, and to his Successors for ever, to be employed to the Service of the Cure of Souls in the said Precinct or Territory, all and singular the Tythes great and small, and other Ecclesiastical Dues of the several Town-Lands of Clantlew, Breagh, Eglish, Bullinery, Derrilee, Taghloge, Derriagh and Derryene, lying and being in the said Precinct or Territory ; and belonging to him the said Francis Obre, and of all other Lands he had in the said Precinct or Territory. May it please Your most Excellent Majesty, at the humble Request of the most Reverend Father in God Narcissus Lord Arch-Bishop of Armagh Primate and Metropolitane of all Ireland, that it may be Enacted ; And be it further Enacted by the Authority aforesaid, That all and singular the said last mentioned Tythes, and other Ecclesiastical Dues so conveyed to the said late Arch-Bishop, shall be and the same are hereby vested in the Rector of the said Parish-Church of Tartaraghan, and his Successors, to the use of the said Rector and his Successors for ever.

And

And be it further Enacted by the Authority aforesaid, at the humble request of the Right Honourable William Lord Viscount Charlemont, and of Arthur Brownlow of Lurgan in the County of Armagh Esquire, that all and singular the Tythes great and small, and all other Ecclesiastical Dues, being, arising and renewing in the said Precinct or Territory of Tartaraghan, whereof the said William Lord Viscount Charlemont and Arthur Brownlow, or either of them, are or is Seized, Possessed or Intituled unto, shall be, and the same are hereby vested in the Rector of the said Parish-Church of Tartaraghan, and his Successors, to the Use of the said Rector and his Successors for ever, the Statute of Mortmain, or any other Act of Parliament, Law, or Deed or Settlement, made by the said Lord Viscount Charlemont or Arthur Brownlow, or any of their or either of their Ancestors, to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid, That the Right of Patronage of the Rectory of Tartaraghan, and of presentation to the same on the avoidance thereof, shall belong unto and be vested in the said William Lord Viscount Charlemont, and his Heirs for the two first turns, and in the said Francis Obre, during his Life for a third turn, and after the Decease of the said Francis Obre the right of Patronage and Collation to the said Rectory, shall belong unto and be vested in the said Arch-Bishop of Armagh, and his Successors for the said third turn, then on the avoidance thereof the right of Patronage and Presentation shall belong unto and be vested in the said Arthur Brownlow and his Heirs for another turn, and so by Descent and in Succession respectively for ever.

And whereas the Parish-Church of Arboe in the said Diocess of Armagh, is inconveniently Situated and Remote from the Protestant Inhabitants, and Centre of the said Parish and frequently Inaccessible; Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the Rector or Incumbent, and Church-Wardens of the said Parish for the time being, by and with the Consent and Approbation of the Arch-Bishop of Armagh for the time being, and Patrons of the said Parish-Church, under their Hands and Seals respectively, and by the Consent of the Major part of the Inhabitants thereof, in Writing under their Hands at a Vestry to be held within four Days after publick Notice given thereof for that purpose to all the Parishoners, by Writing under the Hand of the said Arch-Bishop, to Build a new Church on the Lands of Aghacollum belonging to the Rector of the said Parish of Arboe near the Center of the said Parish, or in such other more convenient place in the said Parish as they shall think fit, such part of the said Land of Aghacollum being first set out by the said Rector, or such other Land on which such Church shall be intended to be Built with a convenient Church-Pard, being first conveyed by the Proprietor thereof to the said Rector or Incumbent, and his Successors for ever; and in case it shall not be thought convenient by the Lord Arch-Bishop, Rector, Church-Wardens and Major part of the Inhabitants, to Build the said Church on the said Land of Aghacollum.

Be it further Enacted by the Authority aforesaid, That it shall and may be lawful for any other Proprietor of Land within the said Parish and his Heirs, to convey to the said Rector or Incumbent, and his Successors for ever, to and for the uses and purposes herein last mentioned, any Quantity of Land not exceeding one Plantation Acre; and that it shall and may be lawful to and for such persons to take a Grant thereof, the Statute of Mortmain or any Act of Parliament, Law or Settlement to the contrary hereof in any wise notwithstanding; And the said Church when Built and Consecrated, shall for ever remain and be deemed and reputed the true and only Parish-Church of the said Parish of Arboe, to all intents and purposes whatsoever.

And to the intent that the said several Churches may be Built, Be it further Enacted by the Authority aforesaid, That it shall and may be lawful to and for the several Rectors, Church-Wardens, and Major part of the Inhabitants of the said several Parishes respectively, at the respective Vestries to be held in the said Parishes respectively, to Applot and Cels such reasonable Sums on the several Inhabitants thereof respectively as they shall think necessary for the several purposes aforesaid, to be recovered as Cels for Reparation of Churches in this Kingdom are usually saving to the Queen's Most Excellent Majesty, Her Heirs and Successors, and to all Bodies Politick and Corporate, and all other persons whatsoever, ex-

cept the said Lord Viscount Charlemont, the said Arthur Brownlow, and the said Francis Obre, and their Heirs, and all Persons Claiming any Right, Title or Interest, by vertue of or under any Settlement or Deed made by the said Lord Viscount Charlemont, or Arthur Brownlow, their or either of their Ancestors, all such Right, Title, Claim or Demand, which they or any of them may have to the said Tythes or Ecclesiastical Dues, as if this Act had not been made.

And be it further Enacted by the Authority aforesaid, That this Act shall be taken and deemed a Publick General Act by all persons whatsoever, and as such shall pass without payment of any Fees whatsoever.

Acts and Statutes made in a Parliament begun at *Dublin* the Twenty First Day of *September*, Anno Dom. 1703. In the Second Year of the Reign of Our Most Gracious Sovereign Lady Queen *Anne* : And continued under His Excellency *Thomas* Earl of *Wharton*, Lord Lieutenant General and General Governor of *Ireland*, by several Prorogations, until the Twentieth of *May*, 1710. Being the Fifth Session of this present Parliament.

C H A P. I.

An Act for the better Securing to Her Majesty the Payment of such Duties as shall be Granted to Her Majesty, this Session of Parliament.

C H A P. II.

An Act for Granting to Her Majesty an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, and other Goods and Merchandizes.

W E Your Majesty's most Dutiful and Loyal Subjects, the Commons of *Ireland* in Parliament Assembled, having a most Grateful Sense of the many and great Blessings we Enjoy under Your Majesty's most Glorious and Auspicious Reign ; and of Your Majesty's Tender Care of our Welfare and Preservation, and being firmly perswaded, That we cannot more effectually Contribute to the strengthening and securing the Protestant Interest of this Kingdom against all Foreign and Domestick Enemies, than by Granting, A Supply towards the Enabling Your Majesty to make good the several Applications made to Your Majesty by the House of Commons the last Session of Parliament ; and also by supplying and making good the necessary Branches of Your Establishment ; Have Carefully, Readily and Unanimously Given and Granted, and do hereby Give and Grant to Your Majesty, the several Rates and Additional Duties of Excise herein after mentioned ; and do most humbly beseech Your Majesty, that it may be Enacted, And be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Fourth Day of June One thousand seven hundred and ten, there shall be throughout this Your Majesty's Kingdom of *Ireland*, Raised, Levied, Collected and Paid to Your Majesty, Your Heirs and Successors, during the space of One Year and a half, Commencing the Twenty Fifth Day of June One thousand seven hundred and ten, and Ending the Twenty Fourth Day of December, which will be in the Year of our Lord God, One thousand seven hundred and eleven, for and upon all Beer, Ale, Aquavite and Strong-Waters, or Spirits, that shall be Brewed or Made within this Kingdom for Sale, and upon all Tobacco and Pussins, and upon Silks and Stuffs, Made or Manufactured in *Persia*, *China* or the *East-Indies*, the several Rates and Duties herein after mentioned, that is to say, For every Thirty Two Gallons of Beer or Ale, of above Six Shillings the Barrel price, Brewed within this Kingdom by the common Brewer, or in his Vessels, or by any other person or persons who doth or shall Sell or Tap out Beer or Ale publicly or privately, One Shilling and Six Pence, to be paid by the common Brewer, or by such other person or persons respectively, and so proportionably for a greater or lesser quantity, For every Thirty Two Gallons of Beer or Ale of Six Shillings the Barrel or under, Brewed within this Realm by the common Brewer, or in his Vessels, or by any other person or

persons, who doth or shall Sell or Tap out Beer, or Ale publicly or privately, Three Pence, to be paid by the common Brewer, or such other person or persons respectively, and so proportionably for a greater or lesser quantity, For every Gallon of Aquabiter, Strong-Water or Spirits, Made or Distilled within this Realm for Sale, the Sum of Three Pence, to be paid by the first Maker or Distiller thereof, For every pound weight of Tobacco Imported during the time aforesaid into this Realm, Three Pence Half-Penny, For every Pard of Muslin Imported into this Kingdom, the Sum of Six Pence; And for every Pard of all Silks and Stuffs Made or Manufactured in Persia, China or the East-Indies, Imported into this Kingdom during the time aforesaid, the Sum of One Shilling and Six Pence.

And be it further Enacted by the Authority aforesaid, That the said several Duties, Rates and Impositions hereby Granted and Charged as well upon Beer, Ale, Spirits, Aquabiter and Strong-Waters, as upon Tobacco, Muslins, Silks and Stuffs, shall be Raised, Levied, Collected and Paid to Her Majesty, Her Heirs and Successors, during the time aforesaid, over and above all other Duties payable for the same, by virtue of an Act made in this Kingdom in the fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted, or by virtue of one other Act made in the said fourteenth Year of the Reign of the said King Charles, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money unto His Royal Majesty, His Heirs and Successors, the same to be paid upon Merchandizes Imported and Exported into or out of the Kingdom of Ireland, according to a Book of Rates hereunto annexed.

And be it further Enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Rules, Methods, Penalties, Forfeitures, Clauses, Matters and Things, which in and by the said Act of Parliament, Intituled, An Act for the Settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein inserted; Are Provided, Settled, or Established, for Raising, Levying, Collecting, Recovering, Adjudging or Ascertaining the Duties thereby Granted, shall be Exercised, Practised, Applied, Used, Levied, Recovered and put in Execution, for the Raising, Levying, Collecting, Recovering and Paying, all and singular the Duties and Impositions by this Act Granted and Imposed, upon the several Liquors and other Commodities herein mentioned and expressed, as fully and effectually to all intents and purposes, as if all and every of the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Matters, Clauses and Things, were particularly Repeated and again Enacted in the Body of this present Act, with the like liberty to Appeal to and for the Party grieved, as in and by the said Act of Excise is provided.

And be it further Enacted by the Authority aforesaid, That the several Sums hereafter mentioned, be paid out of the aforesaid Additional Duties and Aids to the persons hereafter named (that is to say) Two Hundred Pounds Sterling to Thomas Tilson the Elder, Clerk of the House of Commons, One Hundred and Fifty Pounds Sterling to Thomas Tilson the Younger, another of the Clerks of the House of Commons, Two Hundred Pounds Sterling to Bruen Worthington Clerk Assistant, Two Hundred Pounds Sterling to Richard Povey Serjeant at Arms Attending the Commons, One Hundred and Fifty Pounds Sterling to Daniel Golburne the Clerk Attending the Committee of Accounts and other Committees, and Fifty Pounds Sterling to George Spike Door-keeper of the Commons, as Rewards for their several Services and Attendance this Session of Parliament; and also the Sum of One Hundred Pounds Sterling to Enoch Sterne another of the Clerks Attending the Committees, as a Reward for
his

his Service and Attendance this Session and Three former Sessions of Parliament, which said several Sums are to be paid by the Vice-Treasurer or Receiver-General of this Kingdom, without any further or other Warrant to be Sued for, had and obtained in that behalf.

C H A P. III.

An Act to Enforce such Acts as have been made for the Improvement of the Linnen-Manufacture, and for a further Regulation of the same.

FOrasmuch as the Flaxen and Hempen Manufacture is found to be in a declining Condition, notwithstanding the several Acts of Parliament made in this Kingdom for the Encouragement and Improvement thereof, more especially an Act made in the last Session of this present Parliament, Intituled, An Act for Granting to Her Majesty, an Additional Duty on Beer, Ale, Strong-Waters, Tobacco, Callicoes, Linnens, and other Goods and Merchandizes, and also a Duty on Rock-Salt.

And whereas the several Acts of Parliament have not answered the said purposes for which they were intended, chiefly, because the said Encouragements so Granted, have not been put under any just Regulation or Management.

And whereas a Duty on all White Painted and Stained Callicoes, and all sorts of Linnen which shall be Imported into this Kingdom at any time within the space of one Year, which Commenced the Twenty Fifth of June One thousand seven hundred and nine, is to continue by the said Act, until the Twenty Fifth of June One thousand seven hundred and ten, and from thence to the End of next Session of Parliament, and no longer.

And whereas the future Improvement of the said Hempen and Flaxen Manufacture, depends in a great measure upon the continuance of that Duty, and a just distribution of it, Be it Enacted by the Queens most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That all White Painted and Stained Callicoes, and all sorts of Linnen which shall be Imported into this Kingdom at any time within the space of Seven Years, Commencing from the End of the next Session of Parliament, and from the Expiration of the said Term of seven Years, to the End of the then next Session of Parliament ensuing, shall Answer and Pay unto Her Majesty, the several Rates and Duties following (that is to say) One Shilling and Six Pence per Yard, for every Yard of White Painted and Stained Callicoes which shall be Imported into this Kingdom within the time aforesaid, and Six Pence per Yard for every Yard of any sort of Linnen which shall be Imported into this Kingdom during the time aforesaid, the said several Duties, to be Raised, Levied, Collected and Paid to Her Majesty, Her Heirs and Successors, during the respective times aforesaid, over and above all other Duties payable for the same, by virtue of an Act made in this Kingdom, in the Fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein incerted; and by virtue of one other Act made in the said Fourteenth Year of the Reign of the said King Charles, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money, unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into or out of this Kingdom of Ireland, according to a Book of Rates thereunto annex'd.

And be it further Enacted by the Authority aforesaid, That the aforesaid respective Duties Laid and Imposed by this Act, on all White Painted and Stained Callicoes and other sort of Linnen, which shall be Imported into this Kingdom after the End of the next Session of Parliament for

Duties on
Linnen and
Callicoes.

Application
of the Linnen
Duties to the
use of the

Hempen and
Flaxen Ma-
nufactures.

Board of Tru-
stees of the
Linnen Ma-
nufactures
appointed.

Warrant for
Money.

Trustees to
meet.

Linnen Du-
ties, one half
to be applied
to the Hem-
pen Manufa-
cture,

and the
other to the
Flaxen Ma-
nufacture.

Servants ap-
pointed.

Power to
Contract.

Breadth of
Cloth to be
Marked with
a Black
Thread.

the space of Seven Years, and from thence until the End of the then next Session of Parliament ensuing, shall be applied to the use of the Hempen and Flaxen Manufactures in this Kingdom, and to no other use whatsoever.

And that the Duties may effectually answer the purposes for which they are intended, Be it further Enacted by the Authority aforesaid, That the Lord Lieutenant or other Chief Governor or Governors of this Kingdom for the Time being, shall and may, and is hereby enabled to nominate and appoint certain Trustees for the disposal and management of the said Duties, according to the Trusts and Powers herein after vested in them, to consist of an equal number of persons out of each of the four Provinces of this Kingdom.

And be it further Enacted by the Authority aforesaid, That the several Sums of Money arising from the said Duties so granted, shall from time to time be Paid by the Vice-Treasurer or the Receiver-General of this Kingdom to the Trustees, by Warrant under their Hands, or the Hands of the major part of them present, such Majority not being less than five in Number, which shall be appointed pursuant to this Act, without any further or other Warrant to be sued for, had or obtained in that behalf.

And be it further Enacted by the Authority aforesaid, That the said Trustees or the major of them as aforesaid, shall and may from time to time as often as they shall think fit meet and assemble together in some convenient place to settle and adjust such Matters as may be most reasonable and conducive to the Establishing and Carrying on the said Manufactures in this Kingdom, and for preventing all Abuses that may happen in the same.

And forasmuch as the Hempen Manufacture of this Kingdom deserves a due Encouragement, Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the said Trustees or the major part of them as aforesaid, and they are hereby required to apply annually during the continuance of the said Duties, one moiety of the Money so arising from them to the advancement and carrying on the said Hempen Manufacture of this Kingdom; and also, That it shall and may be Lawful to and for the said Trustees or the major part of them, and they are hereby required to apply the other moiety of the Money so arising from such Duties, to the Improvement and Encouragement of the Flaxen Manufacture in this Kingdom.

And be it further Enacted by the Authority aforesaid, That the said Trustees or the major part of them, shall and may appoint a Clerk, Door-keeper, and other necessary Servants to attend them, and ascertain and direct proper Salaries for the said Clerk, Door-keeper, and other Servants respectively, not exceeding in the whole the Sum of One Hundred Pounds per Annum, to be Paid out of the said Duties granted as aforesaid; and that the said Trustees or the major part of them, such Majority not being under Seven in number, shall and may Enter into any Contract or Contracts with any person or persons, that they or the major part of them as aforesaid, shall judge proper for the carrying on of the said Hempen and Flaxen Manufacture.

And to the intent that every Buyer of Cloth may know the exact Number of Threads in the Breadth or Warp of all Linnen Cloth, and thereby judge of the goodness thereof.

Be it further Enacted by the Authority aforesaid, That from and after the first Day of January, in the Year of our Lord One thousand seven hundred and eleven, every Weaver shall be obliged on the Penalty of five Shillings at the end of every Piece of Cloth he shall weave, except Dispers, Damasks and Hugabacks, to run a very coarse Thread coloured with Black and Dyle through every Two Hundred Threads of the Warp of the said Cloth, so as to distinguish the Number of Hundred of Threads in the Breadth of the said Cloth, and also another coarse coloured Thread as aforesaid,

asforesaid, to be run within less than One Quarter of an Inch of the former, in like manner through every Forty Threads of the Warp of the said Cloth, so as to distinguish the Number of Beers or Scores of Threads in the Breadth of the said Cloth; and in Case any Weaver shall so Mark his Cloth with the coloured Thread in such manner as asforesaid, to make them appear to be One Hundred or more Threads than they really are, to Forfeit Twenty Shillings for every Piece so made, the said several Penalties to go to the Informer, and to be Levied by Warrant under the Hand and Seal of any One Justice of the Peace, on the Goods and Chattles of the person offending, by Distress and Sale.

Penalty

And soasmuch as many of Your Majesty's faithful Subjects of this Kingdom who have applied their Industry to Deal in the Linnen Trade are greatly Discouraged therein, by the not Executing of the Statute made in this Kingdom, in the Second Year of Your Majesty's Reign, Intituled, An Act for the Improvement of the Hempen and Flaxen Manufactures in this Kingdom; For Remedy whereof, We it further Enacted by the Authority asforesaid, That in Case any Justice of the Peace, or Chief Magistrate of any Corporation in this Kingdom, within the Limits of their respective Jurisdictions and Authority, shall neglect or refuse to Execute the said Statute, or in the Execution thereof, shall fail of pursuing of the intent and meaning of the said Statute, to the Discouragement of the Informer, or to the wilful detriment or prejudice of the party Informed against, that then and in such Case it shall and may be Lawful to and for the party or parties aggrieved, to make his or their Appeal or Appeals, to the next going Justice or Justices of Assize of that Circuit, who shall by the Authority of this Act, be Enabled and Required to Examine in open Court, into the truth of the Allegations of all and every the Parties, as to the Rights and Interests of the Parties Litigant, and to make such final Judgment, Order and Decree therein, as to such Justice or Justices of Assize shall seem meet and reasonable, for the furtherance of the Ends and Purposes of the said Statute.

Prosecutors
to Appeal to
the Assizes.

And as for and concerning the Conduct and Behaviour of the Justice of the Peace, or Chief Magistrate of any Corporation within the Limits of their respective Jurisdictions and Authorities, in relation to the Execution of the said Act, and within the Counties whereunto the said Justice or Justices of Assize are Commissioned or Appointed, in Case the said Justice of the Peace or Chief Magistrate, do appear on such Examination as asforesaid in open Court Evidently, to have neglected or otherwise to have abused the Authority to him given by the said Act, that then it shall and may be Lawful to and for the said Justice or Justices of Assize, and he or they are hereby required to Impose a Fine not exceeding five Pounds, on such Justices of the Peace or Chief Magistrate, according to the nature of such Offence, in order to Deter others from neglecting or abusing their Authorities in like occasions, the said Fine to go to the Informer, and to be recovered by Civil Bill.

Justices of
Peace Fine-
able for neg-
lect.

And whereas the Linnen Cloth of this Kingdom, is under some Disreputation Abroad, by reason of their not containing the same Breadths and Lengths for which they are Sold.

And whereas the Merchants who Export the Linnen Cloth of this Kingdom, do not know what Appellations or Names to give the said Cloth whereby to distinguish them, which is a disadvantage to the said Cloths.

We it therefore Enacted by the Authority asforesaid, That every Piece of Linnen Cloth of One Yard and a Quarter in Breadth, containing at the least Twenty Four Yards in Length, shall be called by the Name of Ulsters. Every Piece containing One Yard and Half a Quarter in Breadth, and at the least Twenty Four Yards in Length, to be called by the Name of Lurgans. Every Piece of Linnen containing One Yard in Breadth, and at the least Twenty Yards in Length, to be called by the Name of Lisburnes. Every Piece of Linnen containing Three Quarters and a

Denominati-
on of Cloths.

Half in Breadth, and at the least Twenty Yards in Length, to be called by the Name of Colleraines. Every Piece of Linnen containing Three Quarters and a Nail in Breadth, and at the least Twenty Yards in Length, to be called Antrim's. Every Piece of Linnen containing Three Quarters in Breadth, and at the least Twenty Yards in Length, to be called Dungannon's. Every Piece of Linnen containing Half a Yard and Half a Quarter in Breadth, and at the least Thirty Yards in Length, to be called Munster's. That every Person who shall Export any Cloth to Sale under any of the Denominations before mentioned, shall make on a Parchment Label appending to the said Cloth the Name of the said Cloth, and the Number of Yards, and the Breadth thereof, for which he is to be answerable, as also the Length and Breadth of every Piece of Diapers, and every Piece of Canvas of the several sorts mentioned in the Act for the further Improving the said Manufacture.

And whereas by an Act, Intituled, An Act to amend the Defects of such Acts as have been made relating to the Hempen and Flaxen Manufactures, and to Encourage the further Improvement thereof; an Encouragement was intended to be given to the Exporter of Sail Cloth, yet by mistake in the Ingrossing or Transcribing the said Act, a Premium of One Penny per Yard for every Yard of Sail Cloth of Ten Pence per Yard value, and under Fourteen Pence Exported, and a Premium of Two Pence per Yard for every Yard of Main Sail or course Canvas, in imitation of Holland-Duck, of the value of Fourteen Pence or more, was given to the Importer instead of the Exporter thereof.

Premium to
the Exporter
of Sail Cloth.

Be it Enacted by the Authority aforesaid, That the said several Premiums by the said Act expressed to be given to the Importer, shall be given to the Exporter, and not to the Importer of such Sail Cloth.

CHAP. IV.

An Act for bringing an Appeal in Case of Murder, notwithstanding the Statute of the Tenth of King Henry the Seventh, whereby Murder is made High-Treason.

Whereas by an Act of Parliament made in this Kingdom, in the Tenth Year of the Reign of King Henry the Seventh, Intituled, An Act whereby Murder of Malice Prepence, is made Treason; a Doubt has arisen, whether any Appeal of Murder since making the said Act, can or may be brought by the Subjects of this Realm and others, as the same might have been brought before making the said Act, by reason whereof many Murders have escaped Unpunished, for clearing of which Doubt, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That nothing in the said Act shall from henceforth be taken, construed, or intended to barr or take away the Right of any person or persons from bringing Appeals of Murder, but that such Appeals of Murder, shall and may from henceforth be had and brought, and such Process, Proceedings and Judgment, shall and may be thereupon had and given, as might have been brought, had, made and given at or before making of the said Act, the said Statute or any thing therein contained the contrary in any wise notwithstanding.

Nothing in
Stat. 10. H.
7. Cap. 21.
shall bar the
right of any
person from
bringing an
Appeal of
Murder,

CHAP. V.

An Act for the further Explaining and putting in Execution *An Act for Planting and Preserving Timber, Trees and Woods.*

Whereas by an Act of Parliament passed in this Kingdom, in the Tenth Year of the Reign of Our late Sovereign Lord King William

William the Third of Glorious Memory, Intituled, An Act for Planting and Preserving Timber, Trees and Woods; it is Enacted, That for ascertaining the number of Trees by the said Act appointed to be Planted in each County, the Grand-Jury at the Summer-Assizes in the Year One thousand seven hundred and two, should Appportion the number of Trees to be Planted within such County, on each respective Barony therein; and also subdivide the proportion of each Barony into several Parishes therein, and that the respective High Constables should Certifie and Deliber to the Minister and Church-Wardens of each Parish, the number of Trees Presented by the Grand-Jury to be Planted within such Parish, to the intent that the Minister and Church-Wardens should Summon a Vestry of the said Parish, to Agree and Adjust what number of Trees should be the proportion of each person within the said Parish, or having or holding any Land therein, as by the said Act, relation being thereunto had, may more fully appear.

Now soasmuch as the methods prescribed by the said Act, for proportioning the number of Trees to be planted within each Parish, either have not been duly observed, or at least have not answered the good intent and meaning of the said Act.

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That the several and respective Clerks of the Crown within this Kingdom, shall within Forty Days next after the end of each Circuit, deliver or cause to be delivered under their Hand to the High-Constable of each Barony in every County of this Kingdom within their respective Circuits, a true Copy of the Subdivision and Appportionment as aforesaid of the number of Trees to be planted in the several Parishes of such respective Barony, the several Clerks of the Crown taking and receiving for every such Certificate as a Fee for so doing, the Sum of Twelve Pence for each Parish, and no more; and that the respective High-Constables within One Calendar Month after their receiving such Subdivisions and Appportionments as aforesaid, shall Certifie and Deliber to the Minister and Church-Wardens of each Parish within their respective Barony under their Hands, the number of Trees Presented by the said Grand-Jury, to be planted within such Parish, taking as Fee for so doing Six Pence and no more; and that the Minister and Church-Wardens, within One Month after delivery of such Certificate to them as aforesaid, shall Summon a Vestry of the said Parish, and shall there agree and adjust what number of Trees shall be the proportion of each person, by Name within such Parish respectively, or having or holding any Land therein, and shall cause the same to be fairly Ingrossed and Entered in a Book or Books for that purpose, to be provided by the Minister and Church-Wardens of each Parish, respectively to be Deposited and Lodged in the Vestry with the respective Church-Wardens, that the Inhabitants of the Parish may have recourse thereunto, and a view thereof without any Fee or Reward, all which several Sums of Money to be paid as aforesaid to the Clerk of the Crown and High Constables of Baronies as Fees for their Certificates, and the Money to be laid out in providing Books to be Lodged in the Vestries as aforesaid, shall be done at the Charge of each Parish, and shall be Apportioned, Levied and Raised on the Inhabitants of each respective Parish, in such manner as other Parish dues, for repairing of Churches are Apportioned, Levied and Raised, and if the Clerks of the Crown or High-Constables, or the Minister and Church-Wardens aforesaid, or any of them shall omit or neglect to do, what they are severally and respectively hereby required to do and perform, the person or persons so failing or neglecting to do, what is by this Act required on his or their parts to be done and performed, shall for every such failure or neglect Forfeit the Sum of Forty Shillings, to be recovered by Civil Bill at the Assizes, by such person or persons who shall prosecute and sue for the same.

The Clerks of the Crown after each Circuit to deliver or cause to be delivered a true Copy of the number of Trees in each Barony and County.

And whereas, by the not agreeing and duly adjusting what number of Trees, each person by Lawe should plant in their respective Parish, several Penalties and Forfeitures are already incurred, which if duly exacted might tend to the great damage of many poor people.

Be it Enacted by the Authority aforesaid, That all Penalties and Forfeitures already incurred by any person or persons whatsoever, for not planting any sort, number or quantity of Trees required by the said Act; or any other Act past in this Kingdom, Intituled, An Act, for Explaining and putting in Execution, An Act, for planting and preserving Timber, Trees and Woods, and for Explaining and putting in Execution, An Act, to avoid and prevent divers misdemeanors, in idle and lewd Persons in Barking of Trees be remitted, and by Vertue of this Act they are hereby remitted and discharged.

And be it further Enacted by the Authority aforesaid, That every person or persons that are obliged by the aforesaid Acts, to plant any number or quantity of Trees which they have not already planted, shall have further time, till the Twenty fifth Day of March One thousand seven hundred and twelve, for planting the same, within which time they shall plant the same on pain to forfeit, as by the said former Acts they were to forfeit.

Provided always, and be it further Enacted by the Authority aforesaid, That all Trees hereafter to be planted, pursuant to the several Acts herein before mentioned, be planted out of Nurseries only, and not from Woods and other Places as have been too frequently practised, to the destruction of Woods and Timber, and in case any person or persons do, or shall plant otherwise than is hereby directed and required, he or they so planting shall for every Tree or Trees so planted from the Woods, forfeit the Sum of Two Pence for each Tree, to be recovered in a Summary way by Civil Bill at the Assizes, by such person or persons who shall prosecute or sue for the same.

And whereas the cutting and using Gads or Withs, is found to be very destructive to all young Plantations of Woods.

Be it further Enacted by the Authority aforesaid, That any person or persons who shall from and after the first Day of September, One thousand seven hundred and eleven, cut or make use of any Gads or Withs, on his or their Plows, Carrs, Carts, Harnes, Tackle or otherwise, or in whose custody or possession any Gads or Withs shall be had or found, either Selling or using the same, shall for every Gadd or With so cut, used or found, forfeit the Sum of Two Pence to be immediately paid to the Informer, by the said Offender or Offenders after such Information made or given, and if the said Offender or Offenders shall refuse immediately to pay the same, that then, the next Justice of the Peace, or other Chief Magistrate within any Town or Corporation, is hereby impowered and required by his or their Warrant, to cause the same to be Levied of the Goods of the Offender or Offenders, rendering the Overplus to the Owner if any be, and if it shall happen that there is no Justice of the Peace or other Chief Magistrate, on or near the place where such Gadd or Gadds, With or Withs, is or are found or Seized, that then it shall and may be Lawful to and for the Constable of the Parish, and he is hereby required where the said Information shall be made, to demand the payment of the Penalty and Penalties hereby imposed, for the using such Gadd or Gadds, With or Withs, and if the person or persons with whom such Gadd or Gadds, With or Withs, shall be found, shall refuse or neglect to make such payment as is aforesaid, that then, and in that Case such person or persons so offending, shall be carried before the next Justice of the Peace, who is hereby impowered and required to Levy double the Sum hereby directed for such Offence, by Sale of the Goods of the Offender as before directed, and in case no such Goods or Distress can be found of such Offender, then and in such case, such Justice of the Peace shall and is hereby required by Warrant, under his Hand and Seal, to direct

and

That all
Trees plant-
ed to be
planted out
of Nurseries
only.

No use to be
made of
Gadds or
Withs on
Plows or
Carrs, &c.

and require the Petty-Constable of the next Parish, wherein there is a Market Town, to Whip such Offender through the Market of such Town, between the Hours of Ten and Twelve in the Day time, until the Blood shall come.

Provided always, That nothing herein contained shall extend, or be construed in any manner to effect or charge in any wise whatever, any person or persons who in obedience to the forementioned Acts, for planting and preserving Timber-Trees, has complied with the several directions in the said Acts required.

Provided always, That no person or persons shall be Impeached, Molested or Prosecuted for any Offence before mentioned in this Act, unless the Offender or Offenders therein, be Prosecuted within One Month after the Offence committed, and that this Act be Read at every Assizes and Sessions.

None to be Molested or Prosecuted but within a Month.

CHAP. VI.

An Act for taking away the benefit of Clergy in certain Cases, and for taking away the Book in all Cases; and for Repealing part of the Statute for Transporting Felons.

As much as when any person is Convicted for any Felony within the Benefit of Clergy, upon his Prayer to have the Benefit thereof allowed to him, it hath been accustomed to Administer a Book to him to try whether he can Read as a Clerk, which by experience is found to be of no use.

Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the last Day of September, in this present Year One thousand seven hundred and ten, if any person be Convicted of any such Felony for which he ought to have the Benefit of his Clergy, and shall Pray to have the Benefit of this Act, he shall not be required to Read, but without any Reading shall be allowed, taken and reputed to be and punished as a Clerk Convict, which shall be as effectual to all intents and purposes, and be as advantageous to him as if he had Read as a Clerk, any other Law or Statute to the contrary notwithstanding.

If any Person Convict shall pray to have benefit of Clergy, &c.

And be it further Enacted by the Authority aforesaid, That if any person or persons shall after the said last Day of September, unlawfully have carnal knowledge of any Female Child under the Age of Twelve Years, though with her consent, every such Fact shall be deemed and taken to be Felony, and the Offenders therein being duly Convicted, shall suffer as a Felon without having the Benefit of the Clergy, or of this Act.

Carnal knowledge of a Child under Twelve Year Old to be Felony, without benefit of Clergy.

And be it further Enacted by the Authority aforesaid, That if any person shall after the said last Day of September, Steal or Feloniously take away any Goods of the value of five Shillings or more, out of any Dwelling-House or Shop, or out of any Stable or Coach-House, or Booth in any Fair or Market, or privily and secretly from the person of any Man or Woman; or shall Feloniously Steal any Cow or Cows, Bull or Bulls, Or or Oren, or any Steer or Steers, Heifer or Heifers, Calf or Calves, or any Sheep or Lambs, above the value of One Shilling, and being Indicted or Appealed thereof, shall be thereupon found Guilty by Verdict of Twelve Men, or shall Confess the same on his, her or their Arraignment, or will not Answer directly according to the Laws of this Kingdom, or shall wilfully or of malice stand mute, or shall peremptorily challenge above the number of Twenty Jurors, or shall be outlawed on the same Indictment; and also all and every person and persons, who shall be accessory before or after to any of the aforesaid respective Facts, they and every the aforesaid respective Criminals shall receive Judgment, and suffer the Pains of Death, without any Allowance or Benefit of the Clergy, or of this Act, any Law, Custom or Usage, to the contrary notwithstanding.

Goods taken out of Booths in any Fair or Market to the value of five Shillings, or Cows, Oxen, &c. to the value of one Shilling, &c.

Convict of
not stealing
above two
Cows, Oxen,
en, &c. or
not exceed-
ing ten of
Calves, &c.

Provided always, and be it further Enacted by the Authority aforesaid, That where any person or persons, after the said last Day of September, in this present Year of our Lord One thousand seven hundred and ten, shall be lawfully Convicted of the Stealing of Cows, Bulls, Oxen, Steers or Heifers, not exceeding the number of two, or of the Stealing of Calves, Sheep or Lambs, not exceeding the number of ten, on all the Indictments that shall be preferred against such person or persons, at one and the same Assizes or Sessions of Oyer and Terminer, or Goal Delivery, or in the same Term in Her Majesty's Court of Queen's Bench, that in case the Justice or Justices before whom such person or persons shall be Convicted, shall upon the application of the Grand Jury of the County, at the said Term, Assizes or Sessions, by Presentment in Writing for that purpose, think him or them fit Objects of Mercy, that then and in such case, he, she or they, that shall be so Convicted, shall be Burned in the Hand only, and after such Burning in the Hand, such person and persons shall be forthwith enlarged and delivered out of Prison, unless such Justice or Justices shall for further Correction, think it convenient to detain him, her or them in Prison for some longer time, which such Justice or Justices, by Rule of Court or Warrant under his or their Hands, are hereby Impowered to do not exceeding One Years Imprisonment, any Law, Usage or Custom to the contrary notwithstanding.

Clerk of the
Crown to
give a Certi-
ficate of a
person for-
merly Con-
vict.

And forasmuch as such Men who have once had the Benefit of Clergy, and such Women as once had the Benefit of the Statute made in the Fifth Year of the Reign of King William, Intituled, An Act for taking away the Benefit of Clergy in some Cases; may happen to be Indicted for an Offence committed afterwards, Be it Enacted by the Authority aforesaid, That the Clerk of the Crown, or Clerks of the Peace, or their Deputies then Officiating, where such Men or Women have been or shall be Convicted, shall at the Prayer of any person on Her Majesties Behalf, certify a Transcript, briefly containing the effect of any Indictment and Conviction of such Men or Women, and of their having had the Benefit of Clergy, or of the said former Statute, or of this Statute; and also, shall certify the addition of such person and persons, and the certainty of the Felony and Conviction to the Justice or Justices of such County where such Man or Woman shall be Indicted, which Certificate being produced in Court, shall be a sufficient proof, that such persons were formerly Convicted of the Offences therein mentioned, and that they have already had the Benefit of Clergy, or of this or the said former Statute in the same manner as if the Record were produced.

None to have
the benefit of
this Act save
once.

Provided always, and be it further Enacted by the Authority aforesaid, That no person whatsoever who hath had the Benefit of Clergy allowed him, shall have the benefit of this Act for any Felony whatsoever by him committed, since his having had the Benefit of Clergy as aforesaid, and that no person whatsoever, shall be Allowed or Intituled to the benefit of this Act more than once, but shall for any Felony by him committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the same again.

No Woman
that had the
benefit of the
Act of the
9th of K. W.
s. Cap. 32.

And be it further Enacted by the Authority aforesaid, That no Woman who hath heretofore been, or hereafter shall be Convicted of Felony, or who hath had, or hereafter shall have the benefit of the said Act made in the Fifth Year of the Reign of King William, Intituled, An Act for taking away the Benefit of Clergy in some Cases, shall be Intituled to demand or receive the benefit of the said last mentioned Act again, but shall suffer such pains and penalties, as she would have been liable unto if the said Act had not been made.

And whereas one Act of Parliament made in the Second Year of the Reign of Our Sovereign Lady Queen ANNE, (whom God Long Preserve, Intituled, An Act for the reviving An Act for taking away the Benefit of Clergy in some Cases, and for Transporting Felons; has been found by experience to be inconvenient, and in some cases impracticable.

Therefore

Therefore be it Enacted by the Authority aforesaid, That the said last mentioned Act, and all and every Clause, Article and Sentence therein contained be Repealed, except the Clause and Clauses relating to the Transportation of persons Convicted for concealing, succouring, abetting or harbouring any Coy, Robber or Rapparee, who is Presented as such and Proclaimed.

And be it further Enacted by the Authority aforesaid, That from and after the said last Day of September, in this present Year One thousand seven hundred and ten, all and every person and persons, who shall be produced or appear as a Witness on the behalf of the Prisoner upon any Trial for Murder or Felony, before he or she be admitted to give any manner of Evidence, shall first take an Oath to depose the Truth, the whole Truth, and nothing but the Truth in such manner as the Witnesses for the Queen are by Law obliged to do; and if any Witness be Convicted of wilful Perjury in such Evidence, he shall suffer all the Punishments, Penalties, Forfeitures and Disabilities, which by any of the Laws and Statutes of this Realm, are or may be inflicted on persons Convicted of wilful Perjury.

Witnesses for
the Prisoner
to take an
Oath.

C H A P. VII.

An for Amending and making Perpetual An Act, Intituled, *An Act to prohibit Butchers from being Graziers, and to redress several Abuses in Buying and Selling of Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides.*

VVhereas in the First Session of this present Parliament begun and held at Dublin, the One and Twentieth Day of September Anno Domini, One thousand seven hundred and three, in the Second Year of the Reign of Our Most Gracious Sovereign Lady Queen ANNE, an Act was made, Intituled, An Act to prohibit Butchers from being Graziers, and to redress several Abuses in Buying and Selling Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides; which Act by experience hath been found to be in the most parts of it a good and profitable Law in this Kingdom, and is fit to be continued and made perpetual, but by the said Act there is no Provision made to prevent Butchers and other Persons Employed by them who Slaughter Cattel for Exportation, from Cutting away the Cods and Shifts from such Cattel, being much practised by them at such time when the Tallow is at a higher Rate then the Beef, which evil practice greatly defaces the Beef, debases the Tallow, and brings a great disreputation upon those Commodities in Foreign Markets, for Remedy whereof.

Be it Enacted by the Queens Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That every Butcher or other Person Employed by them, who shall Kill or Slaughter any Cattel to be Salted, Packed or Barreled, for and by way of Merchandize to be Transported beyond the Seas, shall leave the Cods and Shifts with such Cattel, and not Cut the same away; and that if any Butcher or other Person Employed by them to Kill or Slaughter any Cattel as aforesaid, shall at any time from and after the Tenth Day of September One thousand seven hundred and ten, offend by Cutting away the Cods and Shifts from any such Cattel, he or they so offending, and being Convicted upon Oath of the said offence, before one or more of Her Majesty's Justices of the Peace, or chief Magistrate of any Corporation, by one or more Witnesses, which Oath the said Justice or Justices or chief Magistrate, are hereby impowered and are required to Administer, or upon Confession of the Offender or Offenders before such Justice or Justices or chief Magistrate, the said party or parties so offending, shall Forfeit for

In Slaughtering to leave the Cods and Shifts.

every such offence, the Sum of Twenty Shillings Sterling, to be Levied by Distress and Sale of the Offenders Goods and Chattels, the Overplus to be restored after all charges of the said Distress defrayed, the one Moiety thereof to be to the party informing, and the other Moiety to the use of the Poor of the Parish where such Offence shall be committed, and every Constable of the Parish, or chief Constable of the Barony where such Offence shall be committed, are hereby Authorized and Required to Levy the same accordingly by Warrant, under the Hand and Seal of such Justice or Justices, or chief Magistrate; and in case such Offender or Offenders shall not have Goods and Chattels sufficient for the Levying of the said Penalty, that then it shall and may be Lawful for the Justice or Justices or chief Magistrate, before whom such Conviction shall be made, by Warrant under his or their Hand and Seal, to appoint such Offender or Offenders to be publicly Whipt through such Corporation or next Market-Town, on the next Market-Day immediately following.

The Act to prohibit Butchers, &c. in the 2d. of Q. Anne made perpetual.

And be it further Enacted by the Authority aforesaid, That the said Act to prohibit Butchers from being Graziers, and to Redress several Abuses in Buying and Selling of Cattel, and in the Slaughtering and Packing of Beef, Tallow and Hides; and all Clauses, Provisions and Articles therein contained, shall continue and endure in Force for ever.

C H A P. VIII.

An Act for the better Securing of Rents, and to prevent Frauds committed by Tennants.

For the more easie and effectual recovery of Rents reserved on Leases for Life or Lives, Term of Years at Will, or otherwise.

No Goods to be taken from off the Premises on any pretence till a Years Rent paid if due.

Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Ninth Day of September, in the Year of our Lord God, One thousand seven hundred and ten, no Goods or Chattels whatsoever, lying or being in or upon any Messuage, Lands or Tenements, which are or shall be Leased for Life or Lives, Term of Years at Will or otherwise, shall be liable to be taken by virtue of any Execution or Foreign Attachment, Justices or Distingas, on any pretence whatsoever, unless the party at whose Suit the said Execution or Foreign Attachment, Justices or Distingas, issued out before the removal of such Goods from off the said Premises, by virtue of such Foreign Attachment, Execution or Extent, Justices or Distingas, pays to the Landlord of the said Premises, or his Bayliff, all such Sum and Sums of Money as are or shall be due for Rent for the said Premises, at the time of the taking such Goods or Chattels by such virtue of such Foreign Attachment, Execution, Extent, Justices or Distingas, provided the said Arrears of Rent do not amount to more than one Years Rent; and in case the said Arrears shall exceed one Years Rent, then the said party at whose Suit such Execution or Foreign Attachment, Justices or Distingas is Sued out, paying the said Landlord or his Bayliff one Years Rent, may proceed to Execute his Judgment or Foreign Attachment, Justices or Distingas, as he might have done before the making of this Act; and the Sheriff or other Officer is hereby impowered and required to Levy and Pay to the Plaintiffs the Moneys so paid for Rent.

Affidavit made by the Landlord, &c.

Provided always, That such Landlord or his Agent, do make and produce an Affidavit in Writing (if thereto required) by the Plaintiff in such Action or Execution, or his Agent, that such arrear of Rent is real and Bona fide due to such Landlord or Lessor, which Oath the Sheriff or Sub-Sheriff, or any Justice of Peace or other Magistrate, are hereby impowered to Administer.

And

And be it further Enacted by the Authority aforesaid, That in case any Lessee for Life or Lives, Term of Years at will or otherwise, or their Assignees of any Messuage, Lands or Tenements, upon the Demise whereof, any Rents are or shall be reserved made payable, shall from and after the said Twenty Fifth Day of September, fraudulently or clandestinely convey or carry off, or from such Demised Premises, his Goods or Chattels, with intent to prevent the Landlord or Lessor, from Distraining the same for Arrears of such Rent so reserved as aforesaid, it shall and may be Lawful to and for such Lessor or Landlord, or any person or persons by him for that purpose Lawfully Impowered, within the space of five Days next ensuing such conveying away or carrying off such Goods or Chattels as aforesaid, to take and Seize such Goods and Chattels wherever the same shall be found as a Distress for the said Arrear of such Rent, and the same to sell or otherwise Dispose of in such manner, as if the said Goods and Chattels had been actually Distrained by such Lessor or Landlord in and upon such Demised Premises for such Arrear of Rent, any Law, Custom or Usage to the contrary in any wise notwithstanding.

In case of
Clandestine
conveying.

Provided nevertheless, That nothing in this Act contained, shall Extend or be construed to Extend to Impower such Lessor or Landlord, to Take or Seize any Goods or Chattels, in any place but on the Demised Premises as a Distress for Arrears of Rent, which shall be Sold Bona Fide, and for a valuable consideration before such Seizure made, any thing herein contained to the contrary notwithstanding.

No Seizure
save on the
demised pre-
mises.

And whereas no Action of Debt lies against a Lessee for Life or Lives, his or their Assignee or Assignees for any Arrears of Rent, during the continuance of such Life or Lives.

Be it further Enacted by the Authority aforesaid, That from and after the said Twenty Fifth Day of September, it shall and may be Lawful for any person or persons having any Rent in Arrear, or due upon any Lease or Demise for Life or Lives, to bring an Action or Actions of Debt for such Arrears of Rent, in the same manner as they might have done in case such Rent were due and reserved upon a Lease for Years.

To bring an
Action of
Debt, &c.

And be it further Enacted and Declared by the Authority aforesaid, That all Distresses hereby Impowered to be made, shall be liable to such Sales, and in such manner, and the Money arising by such Sales, to be distributed in like manner as Distresses for Rent.

Distresses to
be liable to
Sales.

Whereas also, Leases for Life or Lives, or for Years, or at Will, frequently hold over the said Lands and Tenements, Demised after the Determination of such Leases; And whereas after the Determination of such Leases or any other Leases, no Distress can by Law be made for any Arrears of Rent that grew due on such respective Leases, before the Determination thereof.

Be it hereby further Enacted, That from and after the Twenty Fifth Day of September, One thousand seven hundred and ten, it shall and may be Lawful for any person or persons having any Rent in Arrear, or due upon any Lease for Life or Lives, or for Years, or at Will, ended or determined to Distrain for such Arrears, after the determination of the said respective Leases, in the same manner as they might have done if such Lease or Leases had not been ended or determined; Provided that such Distress be made within the space of Six Calendar Months after the determination of such Lease, and during the continuance of such Landlord's Title or Interest, and during the possession of the Tenant, or those Claiming under him, from whom such Arrears became due.

Lawful to
Distrain af-
ter the expi-
ration of a
Lease, &c.

Provided always, and be it hereby Enacted and Declared, That nothing in this Act contained, shall extend or be construed to extend, to let, hinder or prejudice Her Majesty, Her Heirs or Successors, in the Levying, Recovering or Seizing any Debts, Fines, Penalties or Forfeitures, that are or shall be due, payable or answerable to Her Majesty, Her Heirs and Successors, but that it shall and may be Lawful for Her Majesty, Her

Nothing
herein to hin-
der Her Ma-
jesty, Her
Heirs, &c.

Heirs and Successors, to Levy, Recover and Seize such Debts, Fines, Penalties and Forfeitures, in the same manner as if this Act had never been made, any thing in this Act contained to the contrary thereof in any wise notwithstanding.

C H A P. IX.

An Act for the Amending of the High ways and Roads of this Kingdom, and for the Application of the Six Days Labour.

What every
person is to
send.

Whereas by an Act of Parliament made in this Kingdom in the Eleventh Year of the Reign of Our Sovereign Lord King James the First, it is Enacted, That every person or persons for every Plow land in Tillage or Pasture, that he shall Occupy in the same Parish, and all and every other person or persons keeping therein a Draught or Plow, shall find and send at every Day and Place to be appointed for the amendment of the High-Ways in that Parish, one Wapn or Cart furnished after the custom of the Country, with Oren, Hoxles, or other Cattel, and all other necessities meet to carry things convenient for that purpose, and also two able Men with the same, upon pain of every Draught, making default, as in the said Act is expressed.

And whereas it is further Enacted, That all and every person or persons that shall Occupy a Plow-land in Tillage or Pasture lying and being in several Parishes, shall be chargeable with the making of the High-Ways, and Hedges, and cutting and clearing of places within the Parishes where he dwelleth, as far forth and in such manner and form, as any person having a Plow-land in any Parish, ought to be chargeable by the said Act.

And forasmuch as the Word Plow-land in the said Act, is a Name whereby Lands are known and distinguished in some particular parts and places in this Kingdom, and not one common Name whereby Lands are known or distinguished in every County of this Kingdom; by which means several persons Inhabiting in Counties where the Lands are known by another Name, do refuse to Work according to the directions of the said Act, pretending they have no Lands in the said Parish, known or called by the Name of Plow-lands, which occasions many of the High-Ways and Hedges in this Kingdom to remain out of repair.

How the
word Plow-
Land shall be
construed.
&c.

For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That it shall and may be lawful to and for the Grand-Juries of the several Counties in this Kingdom at some General Assizes, which shall be held within any of the said Counties in this Kingdom within the space of Three Years after the Thirtieth Day of September, in the Year One thousand seven hundred and ten, to direct, explain and ascertain, how the Words Plow-land in the said Act shall be construed and understood within the said County, or any Barony or Parish within such County, for and towards the better Execution of the said Act, and shall also to the then Judge or Judges of Assize, by Presentment before such Judge or Judges, to be made, find and Present, that within such County where such Presentment shall be made a Plow-land in the said Act mentioned, shall be received, understood and construed to consist of, and contain such tracts and quantities of Ground, as are distinguished and known by such other Name as is peculiar and proper to the Denomination of Lands in the said County; and where such peculiar Name and Denomination in such County doth contain a greater tract of Ground and more number of Acres, than Plow-lands do contain in those Counties where the Lands are particularly known by the Name of Plow-lands in such Counties, the Grand-Juries shall Present and find what number of Acres in the said County, shall be taken for, and construed to consist of, and be a Plow-land within the meaning and intent of the said Act, having due consideration of the quality of the said Lands, and after such Presentment

is made and thence Read in open Court the same Assizes, the next Judge or Judges of the next or other Assizes, after the Assizes wherein the said Presentment shall be made, shall cause the said Presentment to be Read in open Court immediately after Impannelling the Grand-Jury; and if no reasonable objection be made against the said Presentment, the said Judge or Judges of the said Assizes, are hereby required to confirm the same, and after such confirmation, the person or persons occupying such Lands as shall be so distinguished by such Presentment; and in such manner as aforesaid confirmed in Tillage or Pasture, shall be charged and chargeable with the making the High-Ways and Kestres within the respective Parishes, in such manner, and under such penalties, as persons occupying Plow-lands in their respective Parishes, are charged or chargeable by the said Act.

And whereas in several places the Parishes are small, and the Ways and Kestres too much out of repair, that the Inhabitants of such Parishes by the Labour of Six Days, cannot repair or make the said High-Ways and Kestres in one Year, but often times that part of the said Ways that are made in Summer-time is spoiled the next Winter, by reason the same was not finished in one Season.

The meeting at Easter, and what to be done.

Be it Enacted by the Authority aforesaid, That the major part of the Parishioners who shall meet in Easter-Week yearly according to the Direction of the said Statute, may agree to divide the whole Way or Kestres so to be made, and to allot and apportion so much of the said High Way so to be made, as can be finished by the Six Days Work in that Year, and so to continue yearly till the whole High Way is repaired; and further, that they may agree among themselves to divide such proportion as shall be so allotted, and set out for each Year, according to the proportion of Land in the occupation of each person occupying any Lands in the said Parish in Tillage or Pasture, and such agreement so made being reduced into Writing, and Signed by the major part of the Parishioners then present, shall be Binding and Conclusive on every person and persons occupying any Land in the said Parish as aforesaid, and every person or persons, neglecting or refusing to repair the proportion so allotted by such Agreement, to be repaired by him or them, shall be liable to such penalties as in the said Act is expressed and imposed, on any person or persons who shall refuse or neglect to Work Six Days, which by the said Act is appointed for the amendment or making of the High Ways and Kestres, to be Levied in such manner and by such persons, as by the said Act or any other Act is directed and appointed.

And whereas by the Law, no person is obliged to Work out of the Parish wherein he Dwells on the High-Ways, although in many cases there is no Work necessary for the repair of High-Ways in several Parishes, and that the Parishes having no such charge lying on them, do reap advantage by the amendment of High Ways in the adjacent Parishes.

Where there is no High-Ways through the Parish, what to be done.

Be it further Enacted by the Authority aforesaid, That when any Parish has not any such High-Way through the same, the Inhabitants of such Parish shall be liable to Work in the next adjacent Parish or Parishes, wherein there shall be any considerable High-Way leading to any City or Market, according to such proportion as shall from time to time be ordered by the Presentment of the Grand-Jury at the Assizes or Sessions, and confirmed by the Judges or Justices of the Peace at the Assizes or Sessions, so as such Work shall not exceed the Six Days Labour.

Provided always, That no such person shall be obliged to go above two Miles beyond the confines or limits of the Parish wherein he shall dwell, to Work at any High-Way or Road.

Not to go above two Miles out of his Parish. Concerning Toolcs to be used.

And to the intent the Work to be done in High Ways may more effectually be performed, Be it further Enacted by the Authority aforesaid, That in such Parishes where the common Labourers are found not to have fitting Toolcs for the Work required (to wit) Iron Crows or Bars, or

other Troles, necessary to be employed in the repair of the High-Ways, the Justices of Peace in open Session or in failure thereof, the Two next Justices of the Peace, shall and may from time to time Assess and Raise a Sum not exceeding Forty Shillings, upon the Inhabitants of such Parish or Parishes respectively, in such proportion or proportions, as to such Justice or Justices shall seem proper for the Buying such Troles, which shall be kept by the Surbeyor of the High-Ways, and delivered over from time to time to such person as shall succeed such Surbeyor, to be kept for the use of the said Parish, and not made use of in any other Work whatever, the said Sum or Sums of Money in default of payment thereof, to be respectively Levied by Warrant, under the Hands and Seals of such Justice or Justices, by Distress and Sale of the Goods of such Inhabitant or Inhabitants, who shall make default in payment of his or their proportion thereof, returning the Overplus to the Owner of such Goods.

And whereas the time appointed for making and repairing of such High-Ways is by the first recited Act to be, and continue for no longer space than from Easter until the Feast of St. John the Baptist in each Year.

Time prolonged for mending the Roads.

Be it further Enacted by the Authority aforesaid, That from henceforward the said time may be prolonged and enlarged until the first of August following.

And forasmuch as the High-Ways and Hedges when they are amended, will soon be out of repair and rendred difficult to be passed, in case the Ditches which bound such Roads are not cleaned and kept free for the passage of the Water, and proper passages are not made through the Banks of such Ditches as lie on that side of the Road, where the Lands adjoining have a Descent to take off the Water.

The Occupiers of Lands to cleanse their Ditches, &c.

For remedy whereof, Be it further Enacted by the Authority aforesaid, That the Occupiers of all such Lands which are bounded by such High-Ways and Hedges, shall at their own charge and labour, keep the said Ditches cleaned and open for Water to pass; and also the passages out of such Ditch, through the Banks thereof to the adjacent Lands where there is or can be made such passage for the said Water; and as often as there shall be any stoppage in such Ditches or Passages, to open the same from time to time as there shall be occasion; and if any such Occupier of Lands where such stoppage is refuse or neglect so to do, within Two Days after Notice given by the Overseers of that Road, the said Overseers shall set one or more Labourers to Work in cleansing the said Ditches and Passages; and in case such Occupier so neglecting shall refuse to pay the said Labourer, it shall be Lawful for the next Justice of the Peace, and he is hereby required to grant his Warrant to any Constable, to Distrain so much of the Goods and Chattles of the said Offender as will pay the said Labourers, and to dispose of the same, returning the Overplus to the Owner of such Goods.

Boggs made at the Expence of the Publick.

Provided always, That nothing herein contained shall extend to oblige the Occupiers of any Bogg, through which, Ditches or Toggles have been made at the Expence of the Publick, to scower or cleanse such Ditches.

And where publick High Roads are so many and bad, that they cannot be amended in any reasonable time by the Six Days Labour appointed by Act of Parliament, whereby Grand-Juries at the General Assizes or Quarter-Sessions of each County, are necessitated to raise Money for making and repairing the same, on the several Counties in which such High Roads do lie.

In case of Presentments

Be it further Enacted by the Authority aforesaid, That in all such cases where any Presentment shall be made for raising Money for making or repairing High-Ways, that the said Grand-Juries in such their Presentments, shall take care to express the place where such reparations are to begin, and to what places to be continued, together with the number of Perches, Plantation measure, such High-Way to be made or repaired

do contain ; as also, what shall be the breadth of the Cause-Ways, Pavement, or other reparations to be made in the said High-Way, no such Cause-Way, Pavement, or other reparation to be less then Nine foot wide ; and likewise to express, whether the same is to be Gravelled, Paved with Stones, or Raised by Ditches on each side after the usual manner of Toghers, to be well Gravelled or Paved on the top according to the breadth aforesaid at least, which said Grand-Juries, shall likewise Present at the same time, what shall be allowed for the making and perfecting of each Perch, in the manner as by them shall be Presented as aforesaid, to the end it may appear, That no more Money was Applotted than what went to the making and repairing of the said High-Ways, which Money, the Overseers of such High-Ways to be appointed, shall from time to time take care to pay over to the respective Workmen and Labourers, which shall be employed in and about the same ; and at the next succeeding General Assizes or Quarter-Sessions, give an Account upon Oath to the Grand-Jury of the Money expended on the said High-Ways, with the Names of the persons, he or they paid the same unto, which Account being reduced into Writing, and allowed off by the Grand-Jury, shall be Lodged with and kept by the Clerk of the Peace of each County, and in default of making such Account, such Overseer or Overseers, being Presented at such General Assizes or Quarter-Sessions by the Grand-Jury for the same, shall be committed without Bail or Mainprize, until they shall make the said Account.

Provided always, That nothing herein contained shall extend or be construed to extend to alter the restriction or method prescribed, for raising Money by Grand-Juries at Assizes and Sessions, by the Acts of Parliament now to that purpose in Force.

C H A P. X.

An Act for the Relief of Insolvent Debtors now in Confinement.

C H A P. XI.

An Act to prevent the Maiming of Cattle.

Whereas by an Act of Parliament made in this Kingdom, in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, Intituled, An Act for the better Suppressing Tories, Robbers and Rapparees, and for preventing Burglaries and other Heinous Crimes ; It is among other things Enacted, That in all cases where the damages do not exceed Ten Pounds Sterling, the Inhabitants of the Barony and Franchises within the precincts thereof where such Facts are committed, and not the Inhabitants of the County at large shall make satisfaction and amends, in such manner and with such distinction as in the said Act is express'd ; and where the damages do exceed the Sum of Ten Pounds Sterling, the Inhabitants of the County at large shall make satisfaction in such manner and with such distinction as aforesaid.

And whereas the Baronies of Muckillin and Ballinahinch, and the half Barony of Ross in the County of Gallway, part of a Territory, commonly called, The Territory of Erecconnought, are for the most part Inhabited by people of a barbarous disposition, and not amenable to the Laws, who have confederated to destroy the Cattle of all such persons who shall possess and hold in Farm any Lands in the said Baronies ; who are not ancient Inhabitants and Patives thereof ; and in pursuance of the said confederacy, have within a short time lately destroyed by Maiming, Poughing, and Driving down Precipices, great numbers of Cattle belonging to persons who Inhabit other parts of the said County, who were possess of Land and Stock, within the said Baronies, or some one or more of them,

the making amends and satisfaction for such Cattle so destroyed according to the said Act, hath been very grievous, and chargeable to the Inhabitants of the said County at large, and may probably be a greater burthen for the time to come, unless some effectual remedy be provided against the said evil practices.

Any Cattle
Houghed or
Maimed, the
Barony or
Precinct how
to be made
good.

For remedy thereof, Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the Twenty Fifth Day of September One thousand seven hundred and ten, where any Cattle shall be Wained, Houghed, or otherwise destroyed, within any of the said Baronies or Franchises, or the precincts thereof; the Inhabitants of such Barony and Franchise, or the Precincts thereof, shall make amends and satisfaction for the same, and not the Inhabitants of the County at large, though the value of the said Cattle so Wained, Houghed or Destroyed, shall exceed the value of Ten Pounds, in such manner and with such distinction and directions, as in the said Act made in the Seventh Year of the Reign of His said late Majesty King William, and in one other Act made in the same Sessions, Intituled, An Act to Supply the Defects, and for the better Execution of an Act pass this present Session of Parliament, Intituled, An Act for the better Suppressing Tories and Rapparees, and for preventing Robberies, Burglaries, and other heinous Crimes; is mentioned and express any thing in the said Acts or either of them, to the contrary notwithstanding.

Maiming
Cattle, &c.
Felony.

And for the better prevention of maiming and destroying of Cattle, Be it Enacted by the Authority aforesaid, That if any person or persons in this Kingdom, after the Twenty Fifth Day of September One thousand seven hundred and ten, shall maliciously, unlawfully, and willingly maim, kill or destroy any Horses, Sheep, Cows, or other Cattle, of any person or persons whatsoever, every such Offence shall be Adjudged Felony, and the Offenders, and every of them shall suffer as in cases of Felony: Provided nothing herein contained shall extend to the Gelding Stone-Horses going at large.

CHAP. XII.

An Act for Uniting several Parishes, and Building several Parish-Churches in more convenient Places.

VWhereas the Parish-Church of Kilkeevin, Situate in the Town of Castlereagh, is convenient to the Inhabitants of the Parish of Kilkeevin, Baslick and Ballintober in the Diocess of Elphin; and the said Parishes are fit to be United and made one Parish,

Diocess of
Elphin.
Union of Kil-
keevin, Bas-
lick and Bal-
lintober.

Be it therefore Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That it shall and may be Lawful to and for the Bishop of the said Diocess, with the approbation of the Archbishop of the Province, and the consent of the respective Patrons Incumbents, and major part of the Inhabitants of the said Parishes, to Unite the said Parishes of Kilkeevin, Baslick and Ballintober, and the Parish-Church now Built at Castlereagh in the Parish of Kilkeevin, may be deemed the only Parish-Church of the United Parishes, the said Parishes so United to be called by the Name of the Parish of Kilkeevin, and the Inhabitants of the said several Parishes to be from time to time liable to, and chargeable with the repairs of the said Church at Castlereagh.

And whereas the Parishes of Oran and Drumtemple in the said Diocess of Elphin are fit to be United, and that the ancient Church of Oran within the said Parish of Oran, is conveniently Situated for the Parishoners of the said Parishes to repair unto, were the same Re-built. Be

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocess, with the approbation of the Arch-Bishop of the Province, and the consent of the respective Patrons Incumbents, and the major part of the Inhabitants of the said Parishes, to order the Church to be Re-built at Oran, in the said Parish of Oran, and to Unite the said Parishes of Oran and Drumtemple, and the said Parishes so United, shall be called by the Name of the Parish of Oran, and the Inhabitants of the said United Parish, shall from time to time be liable to, and chargeable with Building and keeping in Repair the said Church of Oran, which shall for ever be deemed and taken to be one Parish to all intents and purposes whatsoever, any Law or Statute to the contrary in any wise notwithstanding.

Diocess of Elphin, Oran and Drumtemple.

And whereas the several ancient Parish-Churches of Tullomagymagh, Ballynecarrigg, Ballyrogne and Kellys-Town, in the Diocess of Leighlin and County of Catherlogh, have been for many Years past ruinous.

Diocess of Leighlin, Tullomagymagh, Ballynecarrigg, Ballyrogne and Kellys-Town.

And whereas of late Years near the Center of the said Parishes, (viz.) at Staplestown in the said Parish of Ballynecarrigg, there hath been a decent Church Built at the charge of the several Inhabitants of the said Parishes, Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocess, with the approbation of the Arch-Bishop of the Province, and the consent of the respective Patrons Incumbent, and major part of the Inhabitants of the said Parishes, to Unite the said Parishes of Tullomagymagh, Ballynecarrigg, Ballycroge and Kellys-Town in the Diocess aforesaid; and that the said several Parishes shall be and are hereby for ever United and made one, by the Name of the Parish of Staplestown, whereof the said new Created and Consecrated Church shall for ever be deemed and taken to be the Parish-Church of the said several United Parishes; and such Glebe or Glebes, and Lands, which now belong to such respective Parishes, shall henceforward belong to the Parish of Staplestown, after the Death, Cession or Promotion of the present Incumbent, saving and reserving to the Dean and Chapter, and Prebendaries of the said Diocess of Leighlin, and every of them, all their present Rights, Tyths and Interests, in and to the said Parishes of Tullomagymagh and Ballynecarrigg; as also, the Right, Title and Interest of the Reverend Doctor Robert Elliot, in and to the said Parish of Kellys-Town, during his Incumbency.

And whereas there are several Parish Churches in the Diocess of Cloyne very inconveniently Situated, some in remote parts of Parishes and Unions, and others very distant from the Protestant Inhabitants thereof.

Diocess of Cloyne.

Be it therefore Enacted by the Authority aforesaid, That the Parish-Church of Church-Town in the said Diocess, and in the Patronage of the Honourable Sir John Percivall, Barronet, be removed to a more convenient place, by the consent of the said Patron the Incumbent, and the Bishop of the said Diocess for the time being, and with the approbation of the Arch-Bishop of the Province, and the consent of the major part of the Inhabitants thereof.

And whereas the several Parishes of Ballyoughtra, Mogely and Cahirulton in the Diocess of Cloyne, have been held United by Episcopal Union for several Years past, and are fit to be continued so United.

Diocess of Cloyne, Ballyoughtra, Mogely and Cahirulton.

Be it therefore Enacted, That it shall and may be Lawful to and for the Bishop of the said Diocess, by and with the approbation of the Arch-Bishop of the Province, and the consent of the Patrons Incumbents, and the major part of the Inhabitants of the said Parishes, to Unite the said several Parishes, and the said Parishes so United, shall be known and called by the Name of the Parish of Castlemarter, and that it may be Lawful to and for the Bishop and Incumbent for the time being, with the approbation of the Arch-Bishop of the Province and of the major part of the Inhabitants of the said several Parishes, to Build and Erect a new Church at Castlemarter within the said Parish of Ballyoughtra, which shall be deemed

Diocels of
Cloyne, Inis-
tar, Mathy,
Garrycloyne
and Granagh.

and taken for the Parish-Church of the said United Parishes, to be Built and kept in Repair at the Expence of the Inhabitants of the said several Parishes; and that it shall and may be Lawful to and for Henry Boyle, Esquire, to give and convey a convenient piece of Ground for the Site of the said Church and Church-Yard, to be and remain thereunto for ever, the Statute concerning Lands given in Dower, or any other Law or Statute whatsoever to the contrary thereof in any wise notwithstanding.

And whereas the several Parishes of Inistar, Mathy, Garrycloyne and Granagh in the Diocels of Cloyne, have been for some time United, but are of too large Extent, and the present Church of Iniscar at too great distance from many of the Parishoners.

And whereas the said several Parishes are of sufficient value to maintain two Incumbents, Be it therefore Enacted, That it may be Lawful to and for the Bishop for the time being, with the approbation of the Arch-Bishop of the Province, and the consent of the Patrons, Incumbent, and major part of the Parishoners of the said several Parishes, to divide the said several Parishes into two distinct Parishes, and to Build and Erect another Church at the Expence of the Parishoners of the said respective Parishes, on some old Foundation or other place convenient within the said Parishes, which said Church shall be called by the Name of the Parish-Church of Garrycloyne, and that the said Church of Iniscar, and the said Church of Garrycloyne so to be Erected, shall after the Death or Removal of the present Incumbent, be deemed and taken to all intents and purposes whatsoever, to be two distinct Parish-Churches, and to be kept in repair by the respective Inhabitants of the said respective Parishes according to the said division; and that the rights of the respective Patrons shall hereby be revived and preserved, any Law or Statute to the contrary thereof in any wise notwithstanding.

Diocels of
Cloyne, Agh-
ada.

And whereas the Parish-Church of Aghada, within the said Diocels of Cloyne, is conveniently Situated for the Inhabitants of the said Parish and the Parishes thereunto United; Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocels for the time being, with the approbation of the Arch-Bishop of the Province, and the consent of the Patron Incumbent, and major part of the Parishoners, to Build and Erect a new Church in some more convenient place within the said Union, which said Church when Built and no other, shall be called the Parish-Church of Aghada, and from the time of its being so Built, the same shall be and be deemed the only Parish-Church of the said Parish of Aghada, and the Inhabitants and Parishoners of the said Union obliged to repair the same as their said Parish-Church.

Diocels of
Waterford,
Kilwatermoy.

And whereas the Parish-Church of Kilwatermoy in the Diocels of Waterford, is inconveniently Situated for the Parishoners and Inhabitants of the said Parish; Be it Enacted by the Authority aforesaid, That it may be Lawful to and for the Bishop of the said Diocels for the time being, with the approbation of the Arch-Bishop of the Province, and the consent of the Patron Incumbent, and the major part of the Inhabitants of the said Parish, to Build and Erect a new Church in some convenient place within the said Parish, the Proprietor of the Soil where such Church shall be built, first conveying a sufficient quantity of Ground for such Church and Church-Yard to the use of the said Parish, and that the new Church so to be built, shall be, and be deemed the Parish-Church of the said Parish, to be built and kept in repair by the Inhabitants and Parishoners of the said Parish.

Diocels of
Kilmore, Car-
rowgallen.

And whereas the Parish-Church of Carrowgallen in the Diocels of Kilmore, is in a ruinous condition, and inconveniently Situated remote from the Inhabitants of the said Parish.

And whereas the Inhabitants of the said Parish of Carrowgallen, and the present Incumbent, with the consent of the Bishop, are desirous that a new Church be built in a more convenient place within the said Parish.

Be

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Be it therefore Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop, with the approbation of the Arch-Bishop of the Province, and the consent of the Patron Incumbent, and the major part of the Inhabitants of the said Parish of Carrowgallen, to Erect and Build a new Church at Mogh, lying and being within the said Parish, in the same place where an Old Church is now standing, commonly called the Church of Mogh, and which is and hath been an ancient Burial place, at the charges of the said Parish of Carrowgallen; and that such new Church when built shall be Consecrated, and for ever deemed and reputed the only Parish-Church of Carrowgallen, to all intents and purposes whatsoever.

And whereas the Ancient Parish-Church of Drumgagh in the Diocess of Drumore, is very inconveniently Scituated in an out Skirt of the said Parish, very remote from the Town of Rathfryland, where are the greatest number of the Inhabitants of the said Parish.

Diocess of
Drumore,
Drumgagh.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Rector and Incumbent, and Parishoners of the said Parish for the time being, by and with the consent and approbation of the Arch-Bishop of the Province, the Bishop of the said Diocess for the time being, and Patron, to Build a new Church in such convenient place within the said Parish as they shall think fit, the Land and Ground for such new Church and Church-Pard, being first granted and conveyed by the Proprietor or Proprietors of the same, to the use of the said Parish, which said grant or conveyance, the said Proprietor or Proprietors are hereby enabled to make the Statute of Mortmain, or any other Law or Statute to the contrary thereof in any wise notwithstanding; and the said Church when Built and Consecrated, for ever to be and remain the only Parish-Church of the said Parish of Drumgagh, to all intents and purposes whatsoever.

And whereas the ancient Parish-Church of Shankill in the Diocess of Drumore, is very inconveniently Scituated, and not large enough for the Inhabitants of the said Parish; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Rector and Incumbent of the said Parish, for the time being, by and with the consent and approbation of the Arch-Bishop of the Province, the Bishop of the said Diocess of Drumore for the time being, and Patron, by and with the consent of the major part of the Inhabitants of the said Parish, with the Materials of the said ancient Church, and such others as shall be further requisite to Build a new and larger Church, in such convenient place within the said Parish as they shall think fit, the Land and Ground for the new intended Church and Church-Pard, being first granted and conveyed by the Proprietor or Proprietors of the same, to the Church-Wardens of the said Parish for the time being, and to their Successors for ever, for the use of the said Parish; which said grant or conveyance, the said Proprietor or Proprietors, are hereby enabled to make the Statute of Mortmain, or any other Law or Statute to the contrary thereof in any wise notwithstanding; and the said Church when Built and Consecrated, shall for ever be and remain the only Parish-Church of the said Parish of Shankill, to all intents and purposes whatsoever.

Diocess of
Drumore,
Shankill.

And whereas the Walls of the ruined Churches in the Parishes of Killmore and Killcomin, in the Diocess of Killalla, are inconveniently Scituated, remote from the Inhabitants of the said Parish.

Diocess of
Killalla, Kill-
more and
Killcomin.

And whereas the Inhabitants of the said Parishes of Killmore and Killcomin, and the present Incumbent, with the consent of the Right Reverend Father in God William, Lord Bishop of Killalla, are desirous that a new Church be Built in a more convenient place within the said Parish; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Inhabitants of the said Parishes, by and with the approbation of the Arch-Bishop of the Province, and with the consent of the Bi-

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Hop of the Diocese, to Erect and Build a new Church on the Lands of Drumunclet and Town of Broadhaven in the Parish of Kilcomin, the Proprietor of the said Lands, first conveying a sufficient quantity of Ground for the said Church and a Church-Pard, to the Church-Wardens of the said Parish and their Successors, for the use of the said Parish, which conveyance shall be effectual, notwithstanding the Statute of Poymain; and that such new Church when Built, together with the Church-Pard shall be Consecrated, and when so Consecrated, shall be deemed and reputed the Parish-Church of the Parishes of Kilmore and Kilcomin, to all intents and purposes whatsoever.

Diocese of
Kilmore,
Drumgoone.

And whereas the Parish-Church of Drumgoone in the Diocese of Kilmore, has been of a long time ruinous and out of repair, and is also inconveniently Situated, being remote from the Inhabitants of the said Parish or some of them, have Built a Church or Chapple at Cootehill within the said Parish, and inclosed a Church-Pard thereunto contiguous, by and with the consent of the Bishop of the Diocese.

We it Enacted by the Authority aforesaid, That the said Church or Chapple, and Church-Pard now Erected at Cootehill, be from henceforward deemed and taken as the Parish-Church and Church-Pard of Drumgoone Parish, and be as such, repaired and repairable by the Inhabitants of the said Parish from to time, in like manner as other Parish-Churches in this Kingdom are repaired, and under the same regulation; and also, it shall and may be Lawful to and for the Honourable Thomas Coote, Esquire, second Justice of Her Majesty's Court of Queen's-Bench in Ireland, Proprietor of the said Land whereon the said Church or Chapple, and Church-Pard as aforesaid, Erected by any Instrument in Writing, under his Hand and Seal for that purpose duly to be perfected, to convey to the Church-Wardens of the said Parish, and their Successors for ever; the said Church or Chapple, and Church-Pard, who are hereby enabled to take and receive such grant, to the use and behoof of the said Church-Wardens and their Successors, for the ends and purposes aforesaid, notwithstanding the Statute of Poymain.

Diocese of
Tuam, Kill-
tullagh, Knock-
amagh, Becan,
Aghamore
Templetogher.

And whereas the Parishes of Killtullagh, Knockamagh, Becan, Aghamore and Templetogher, in the Diocese of Tuam, have been long held together by one Incumbent, and are fit to be really United; and whereas all the Churches in the said several Parishes are ruinous and inconveniently Situated; and whereas the Incumbent of the said several Parishes, together with the Parishioners Inhabiting therein, have by Act of Assembly, represented and desired, that a new Church may be Built in the Market Town of Ballinlogh in the said Parish of Killtullagh, for the greater convenience of the Parishioners of the said several Parishes, and his Grace the Lord Arch-Bishop of Tuam, has approved thereof.

And whereas Joseph Mitchell, Esquire, has upon such request and approbation already provided Materials towards the Building of the said Church, and has promised to Endow the same with Twenty Acres near the same for a Glebe, and One Acre for a Mansion-House to be Built thereon for the Incumbent and his Successors, besides one other Acre for the Church-Pard.

We it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Arch-Bishop of the said Diocese, by and with the consent of the Patron, Incumbent, and the major part of the Inhabitants of the said Parish, to Unite the said Parishes; and the said Parishes so United, to be and continue one Parish, to be called and known by the Name of the Parish of Killtullagh for ever, and such Church when finished, Endowed and Consecrated, shall be and be deemed the only Parish-Church of the said United Parishes; and the said Arch-Bishop or his Successors, is hereby enabled to receive a conveyance for the use of the Incumbent and his Successors for ever, from the said Joseph Mitchell, of the said Lands, notwithstanding any Statute of Poymain, saving always to the

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the Queen and the Archbishop of Tuam, such right as they had before the said Union.

And whereas the Three Parishes of Killmichalogue, Killmechue and Killkavan in the Diocels of Ferns, are part and parcel of the Corps of the Deanery of Ferns, and do lie contiguous, and are fit to be perpetually United; and whereas all the Old Churches of the said Parishes are utterly ruined and inconveniently Scituated for the Inhabitants of the said Parishes.

Diocels of
Ferns,
Killmichalogue,
Killmechue and Killkavan.

And whereas the Church in the Town of Newborough in the said Parish of Killmichalogue, hath been lately rebuilt and is in good repair, and conveniently Scituated for the Inhabitants to resort unto, and lies nearest of any the aforesaid Churches, to the center of the aforesaid Parishes; We it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocels, with the approbation of the Arch-Bishop of the Province, and the consent of the Patron, Dean and Chapter of Ferns, and the major part of the Inhabitants of the said Parishes, to Unite the said Parishes; and the said Parishes so United, shall be called by the Name of the Parish of Newborough, and be one Parish, to all intents and purposes whatsoever.

And whereas the ancient Parish-Church of Ennis-mac-saint in the Diocels of Clogher is ruinous, and Scituate in an Island in Lough-Erin, and inaccessible for a great part of the Year, and that with the consent of the Bishop of the Diocels, the Patron Incumbent, and major part of the Inhabitants of the said Parish, a new Church has been Built at Drummenagh in the said Parish in a more convenient place, and was Consecrated, and the Land whereon the said Church stands, with a Church-Pard and Glebe, legally conveyed.

Diocels of
Clogher, Ennis-mac-saint.

We it Enacted by the Authority aforesaid, That the said Church of Drummenagh shall be deemed, reputed and taken to be the Parish-Church of the said Parish of Ennis-mac-saint, to all intents and purposes whatsoever.

And whereas the Parish-Church of Slane, in the Diocels of Meath, is now altogether ruinous, Scituate upon a very steep Hill, in a place inconvenient for the Parishoners to resort unto, and that the Parishoners, with the consent of the Bishop, desire leave to Build a new Church in a place more convenient within the said Parish; We it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the said Diocels, with the approbation of the Arch-Bishop of the Province, and the consent of the Rector, Vicar or other Incumbent of the said Parish for the time being, and of the Patron, and major part of the Inhabitants thereof, to Build a new Church in such other convenient place within the said Parish as they shall think fit, the Land for the Church and Church-Pard being first conveyed by the Proprietor of such place, to the Rector, Vicar or Incumbent of the said Parish, his or their Successors for ever, who are hereby enabled to take and receive a Grant and Conveyance to them and their Successors, in trust for, and to the use of the said Parish; and that such new Church when Built and Consecrated, be reputed and remain the only Parish-Church of the said Parish for ever.

Diocels of
Meath, Slane.

And whereas the Parishes of Caine and Killtome, both in the County of Roscommon and Diocels of Elphin, lie very near and contiguous, and are fit to be United into one Parish; and whereas there is no Church Built in either of the said Parishes; and whereas Luke Dillop of Clonbrock, Esquire, and Edmond Kelly of Skrigg, Esquire, and John Kelly, his Son and Heir apparant, are willing to convey such a proportion of Land in the Lands of Miltonpals within the said Parish of Caine, as shall be sufficient for Building the said Church upon, and for making a Church-Pard thereto.

Diocels of
Elphin, Caine
and Killtome.

We it Enacted by the Authority aforesaid, That the said two Parishes of Caine and Killtome, shall for ever hereafter be United and Esteemed one

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Parish, to all intents, purposes, and constructions, to be called the Parish of Caine; and that the Church so to be Built on some convenient place in the said Town or Lands of Miltonpass, be reputed, and taken to be the Parish-Church of the said United Parishes, the said Luke Dillon, Edmond Kelly and John Kelly, or their Heirs, first conveying a sufficient quantity of Ground for the said Church and Church-Pard, for the use of the said Parish, notwithstanding the Statute of Mortmain.

*Diocess of
Elphin, Dona-
mon, Kilbeg-
nett, Ballyne-
kill and Killo-
roan.*

And whereas the Parish of Donamon in the County of Gallway and Diocess of Elphin, being too small and fit to be United to other Parishes; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Bishop of the Diocess of Elphin for the time being, by and with the approbation of the Archbishop of the Province, and with the consent and agreement of the Patrons Incumbent, and major part of the Parishoners, to Unite the Parishes of Kilbeggnet, Ballynekill, Killoroan and Donamon, or so many of the said Parishes, as the said Archbishop, Bishop or their Successors, Patrons and Incumbent for the time being, and the major part of the Parishoners shall hereafter think convenient, and that the said Parishes so United, shall be called and known by the Name of the Parish of Donamon, and be one Parish, to all intents and purposes.

*Diocess of
Elphin, Killo-
solan.*

And whereas the ancient Church of Killofolan in the said Diocess of Elphin and County of Gallway, is in a ruinous condition and inconveniently Scltuated, remote from the Inhabitants of the said Parish, and in a place almost environed with Boggs, and the Road to it unpassable; and whereas the Inhabitants of the said Parish of Killofolan, and the present Incumbent, with the consent of the Lord Bishop of Elphin, are desirous that a new Church be Built on the Lands of Cappavarangy, near the Town of Castleblackney, within the said Parish; and whereas Robert Blackney, Esquire, Proprietor of the said Lands, hath consented to Set out two Acres of Land in some convenient place on the said Lands, for Building the said Church and Church-Pard, and a House for the Incumbent, and to convey the same to the Rector, Vicar or Incumbent of the said Parish, his or their Successors for ever, for the use of the said Parish.

*Diocess of
Elphin, Killo-
solan.*

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Inhabitants of the said Parish of Killofolan, or the major part of them, by and with the consent of the Arch-Bishop of the Province, and of the Bishop, Patron and Incumbent, to Build a new Church and Church-Pard on some convenient place within the said Parish, on the Lands of Cappavaroggy near the Town of Castleblackney, the said Robert Blackney who is hereby Impowered to grant the the same, first conveying the said two Acres of Land for the said Church and Church-Pard, and Ministers House, to the Rector, Vicar or Incumbent of the said Parish, and their Successors for ever, who are hereby enabled to take and receive a grant of the same to them and their Successors, notwithstanding the Statute of Mortmain, or any Settlement made by the said Robert Blackney or his Ancestors, thereof in trust for, and to the use of the said Parish; and that such new Church when Built and Consecrated, be reputed and remain the Parish-Church of the said Parish for ever, and that it be called the Parish-Church of Castleblackney alias Killofolan, and deemed as such, to all intents and purposes whatsoever.

*Diocess of
Clonsfert, Bal-
lymackward
and Clonkeen.*

And whereas the Parishes of Ballymackward and Clonkeen, in the Diocess of Clonsfert and County of Gallway, fit to be United, and it is fit that a Church be Re-built on the Lands of Ballymackward where the Old Church stands, for the conveniency of the Inhabitants of the Parishes.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Arch-Bishop of the Province, and Bishop of the said Diocess, by and with the consent of the Patrons Incumbent, and the Inhabitants and major part of them, from and immediately after the avoidance of the said Churches or either of them, by the death, cession or promotion

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motion of either of the Incumbents, of either of the said Parishes of Ballinacward and Clonkeen, to Unite the said Parishes; and that the said Parishes so United, shall be one Parish for ever, by the Name of the Parish or Union of Ballymackward, and the surviving Incumbent of the said United Parish, shall be the Incumbent of both the said United Parishes.

And be it further Enacted by the Authority aforesaid, That it shall and may be Lawful to and for the Parishioners of the said United Parishes, hereafter, from time to time to proceed by Act of Vestry or otherwise, for Re-building of the said Church and Repairing the same, and to do all other things as any other Parish or Union can do or could do.

And whereas the Parish-Church of the Parishes of Drakes-Town, Killpatrick and Knough, in the Diocese and County of Meath, formerly United and made one intire Parish, by the Name of the Parish or Rectory of Drakes-Town, is inconveniently Scituated for the Inhabitants of the said United Parishes to resort unto for Divine Service, and in a ruinous condition, and scarce accessible for a considerable part of the Year.

Diocese of
Meath,
Drakes Town,
Killpatrick
and Knough.

And whereas the Church of Killpatrick is more convenient and in very good repair, and near the center of the said United Parishes; Be it Enacted by the Authority aforesaid, That it shall and may be Lawful for the Bishop of the said Diocese, with the approbation of the Arch-Bishop of the Province, and with the consent of the Patrons Incumbent, and major part of the Parishioners, to constitute the said Church of Killpatrick, to be for ever hereafter the Parish-Church of the said United Parishes, or Rectory of Drakes-Town, Killpatrick and Knough, to all intents and purposes whatsoever.

And whereas the old Church of the Parish of Kilsaran, in the County of Lowth and Diocese of Armagh, is ruinous, and has been so of a long time; and whereas a new Church was Built near Forty Years ago at Gernons-Town, alias Castlebellingham, in the said Parish, within a Quarter of a Mile of the said old Parish-Church, and a Church-Yard has been set out thereto, and the same has been Consecrated and been made use of ever since, and still is made use of for performing Divine Service, and other Offices therein, according to the Uses and Ceremonies of the Church of Ireland as by Law Established.

Diocese of
Armagh, Gernons-Town,
alias Castlebellingham.

And whereas the same hath been repaired and beautified from time to time as occasion required, by Order in the Vestries held in the said Church at Gernons-Town, ever since the said Church has been Built there, and the said Church-Yard set out, to prevent therefore all doubts and disputes which may hereafter arise concerning the removal of the said Church; Be it Enacted, That the said Church at Gernons-Town, alias Castlebellingham, be for ever hereafter taken, and deemed to be the Parish-Church of Kilsaran, to all intents and purposes whatsoever, any Law to the contrary notwithstanding; and the old Church-Yard and place where the said old Church stands, be at the charge of the Parishioners of the said Parish, fenced in and preserved from prophane or common usage.

And be it further Enacted by the Authority aforesaid, That the ancient Sites of all the Parish-Churches and Church-Yards in this Act mentioned, be kept, inclosed, and a part from prophane uses from time to time by Stone-Walls or other sufficient Fences for that purpose, to be Built and Made about the said Church-Yards, at the charge and expence of the Parishioners of each respective Parish.

Be it further Enacted by the Authority aforesaid, That where any new Church is by virtue of this Act to be Built in any Parish or Union of Parishes, there is or are one or more ancient Church or Churches, that in such case it may be Lawful to and for the Parishioners and Inhabitants of such Parish, or Union of Parishes, to remove and make use of the Materials of all such ancient Church or Churches, for and towards the Building of such new intended Church, and for no other use whatsoever.

Materials of
old Churches
to serve the
new.

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This a publick and general Act.

And be it further Enacted by the Authority aforesaid, That this Act shall be taken and esteemed a publick and general Act, by all Judges in all Courts in this Kingdom.

Provided always, and be it further Enacted by the Authority aforesaid, That where two or more Parishes shall be United, according to the intent and directions of this Act, and where the right of presentation to the said Parishes is now or at the time of such Union, may belong to several Patrons respectively, who have or may have right to present to the same, as the Churches in the said respective Parishes may become void, it shall and may be Lawful to and for such Patrons at the time when they shall consent to the Uniting of the Parishes as aforesaid, to agree in whom and in which of them the said Patrons, the right of presentation to such Parishes so United shall be, and continue after such Union is made and settled, and how often, and what turn each Patron shall present to the said United Parishes, and such Agreement so to be made between all the said Patrons, under their and every of their Hands and Seals, shall be Enrolled in Her Majesty's High Court of Chancery, and shall by virtue of this Act, Bind and Conclude all the said Patrons Parties to the said Agreement, their Heirs and Assigns, and Successors respectively for ever, saving to the Queen's Most Excellent Majesty, Her Heirs and Successors; all such Right, Title, Interest and Property, which they have or may Claim in any Parishes to be United in pursuance of this Act, as fully and amply as if this present Act had not been made.

ACTS

Acts and Statutes made in a
 Parliament begun at *Dublin* the Twen-
 ty First Day of *September*, *Anno Dom.*
 1703. In the Second Year of the Reign
 of Our Most Gracious Sovereign Lady
 Queen *Anne* : And continued under
 His Grace *James* Duke of *Ormonde*,
 Lord Lieutenant General and General
 Governor of *Ireland*, by several Proro-
 gations, until the Twelfth of *July*,
 1711. Being the Sixth Session of this
 present Parliament.

An Act for Granting to Her
 Majesty an Additional Duty on Beer,
 Ale, Strong Waters, Tobacco, and
 other Goods and Merchandizes.

C H A P. I.

WH E Your Majesty's most Dutiful and Loyal Subjects, the Com-
 mons of Ireland in Parliament Assembled, being deeply Sen-
 sible of Your Majesty's Indulgent Care, of and tender Con-
 cern for the Happiness and Prosperity of this Your Kingdom, expressed in
 so many remarkable Instances; And of Your Gracious Assurances, that
 You will Preserve to Us, those Inestimable Blessings, which we enjoy
 under Your Majesty's most Happy Government, in grateful Acknowledge-
 ment thereof, and for the Support of Your Establishment, with Honour
 and as an Effectual Provision for those Matters, which Your Majesty in
 Your great Wisdom has thought fit, to Recommend to Our Considera-
 tion, do most Cheerfully and Unanimously Give and Grant to Your Ma-
 jesty, the several Rates and Additional Duties of Excise herein after
 mentioned; and do most humbly beseech Your Majesty, that it may be
 Enacted, And be it Enacted by the Queen's most Excellent Majesty, by
 and with the Advice and Consent of the Lords Spiritual and Temporal,
 and Commons in this present Parliament Assembled, and by the Autho-
 rity of the same, that from and after the Twenty Fourth Day of Decem-
 ber, One thousand seven hundred and eleven, there shall be throughout
 this

this Your Majesty's Kingdom of Ireland, Raised, Levied, Collected and Paid to Your Majesty, Your Heirs and Successors, during the space of Two Years, Commencing the Twenty fifth Day of December One thousand seven hundred and eleven, and ending the Twenty fourth Day of December One thousand seven hundred and thirteen, for and upon all Beer, Ale, Aquavitee and Strong-Waters, or Spirits, that shall be Brewed or Made within this Kingdom for Sale, and upon all Tobacco and Muslins, and upon Silks and Stuffs, Made or Manufactured in Persia, China or the East-Indies, the several Rates and Duties herein after mentioned, (that is to say,) for every Thirty Two Gallons of Beer or Ale, of above Six Shillings the Barrel Price, Brewed within this Kingdom by the common Brewer, or in his Vessels, or by any other Person or Persons, who doth or shall Sell or Tap out Beer or Ale publicly or privately, One Shilling and Six Pence, to be Paid by the common Brewer, or by such other Person or Persons respectively, and so proportionably for a greater or lesser quantity, for every Thirty Two Gallons of Beer or Ale of Six Shillings the Barrel or under, Brewed within this Realm by the common Brewer, or in his Vessels, or by any other Person or Persons, who doth or shall Sell or Tap out Beer, or Ale publicly or privately, Three Pence, to be paid by the common Brewer, or such other Person or Persons respectively, and so proportionably for a greater or lesser quantity, for every Gallon of Aquavitee, Strong Waters or Spirits, Made or Distilled within this Realm for Sale, the Sum of Three Pence, to be Paid by the first Maker or Distiller thereof, for every Pound Weight of Tobacco Imported during the time aforesaid into this Realm, Three Pence Half-penny, for every Yard of Muslin Imported into this Kingdom, the Sum of Six Pence; And for every Yard of all Silks and Stuffs Made or Manufactured in Persia, China or the East-Indies, Imported into this Kingdom during the time aforesaid, the Sum of One Shilling and Six Pence.

And be it further Enacted by the Authority aforesaid, That from and after the first Day of October, in the Year of Our Lord One thousand seven hundred and eleven, that the Additional Duty of Twenty Shillings Sterling, for every Hundred Pounds of Molasses, that shall be Imported into this Kingdom, from and after the said first Day of October One thousand seven hundred and eleven, shall be continued and be Paid to Her Majesty, Her Heirs and Successors, for the Term of Seven Years commencing the said second Day of October One thousand seven hundred and eleven, and ending the first Day of October One thousand seven hundred and eighteen, and from thence to the end of the next Session of Parliament, after the Expiration of the said Term of Seven Years.

And be it further Enacted by the Authority aforesaid, That the said several Duties, Rates and Impositions hereby Granted and Charged, as well upon Beer, Ale, Spirits, Aquavitee and Strong-Waters, as upon Tobacco, Muslins, Silks and Stuffs, shall be Raised, Levied, Collected and Paid to Her Majesty, Her Heirs and Successors, during the time aforesaid over and above all other Duties payable for the same, by Virtue of an Act made in this Kingdom in the fourteenth Year of the Reign of King Charles the Second, Intituled, An Act for Settling of the Excise or New Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein incerted; Or by virtue of one other Act made in the said fourteenth Year of the Reign of the said King Charles, Intituled, An Act for Settling the Subsidy of Poundage, and Granting a Subsidy of Tunnage, and other Sums of Money unto His Royal Majesty, His Heirs and Successors, the same to be Paid upon Merchandizes Imported and Exported into or out of the Kingdom of Ireland, according to a Book of Rates hereunto annexed.

And be it further Enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Rules, Methods, Penalties, Forfeitures,

Forfeitures, Clauses, Matters and Things, which in and by the said Act of Parliament, Intituled, An Act for the Settling of the Excise or new Impost upon His Majesty, His Heirs and Successors, according to the Book of Rates therein incerted; Are Provided, Settled or Established, for Raising, Levying, Collecting, Recovering, Adjudging or Ascertaining the Duties thereby Granted, shall be Exercised, Practised, Applied, Used, Levied, Recovered and put in Execution, for the Raising, Levying, Collecting, Recovering and Paying, all and singular the Duties and Impositions by this Act Granted and Imposed, upon the several Aliquots and other Commodities herein mentioned and expressed, as fully and effectually to all intents and purposes, as if all and every of the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Matters, Clauses and Things, were particularly repeated and again Enacted in the Body of this present Act, with the like liberty to Appeal to and for the Party grieved, as in and by the said Act of Excise is provided.

And be it further Enacted by the Authority aforesaid, That the several Sums hereafter intencioned, be paid out of the aforesaid Additional Duties and Aids to the Persons herein after mentioned, (that is to say) Two Hundred Pounds Sterling to Thomas Tilson the Elder, Clerk of the House of Commons, One Hundred and fifty Pounds Sterling to Thomas Tilson the Younger, another of the Clerks of the House of Commons, Two Hundred Pounds Sterling to Bruen Worthington Clerk, Assistant, Two Hundred Pounds Sterling to Richard Povey Sergeant at Arms Attending the Commons, Two Hundred and fifty Pounds Sterling to Daniel Golborne and John Knightly Clerks Attending the Committees, to be equally divided between them, and fifty Pounds Sterling to George Spike Door-keeper of the House of Commons, as Rewards for their several Services and Attendances this Session of Parliament; which said several Sums are to be paid by the Vice-Treasurer or Receiver-General of this Kingdom, without any further or other Warrant to be Sued for, had and obtained in that behalf.

CHAP. II.

An Act for the more effectual preventing of Frauds committed by Tenants.

FOR Securing to Lessors and Landlords their just Rights, and to prevent Frauds frequently committed by Tenants; Be it Enacted by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That in Case any Tenant or Tenants, for any Term for Life, Years or Years, or other Person or Persons, who are or shall come into Possession of any Lands, Tenements or Hereditaments, by, from or under, or by Collusion with such Tenant or Tenants, shall wilfully Hold over, any Lands, Tenements or Hereditaments, after the Determination of such Term or Terms, and after Demand made, and Notice in Writing given for Deliberating the Possession thereof, by his or their Landlords or Lessors, his or their Agent or Agents thereunto Lawfully Authorized, then and in such Case, such Person or Persons so Holding over, shall for and during the time he, she and they, shall so hold over, or keep Possession of the said Lands, Tenements and Hereditaments, as aforesaid, Pay and Forfeit to the Landlord or Landlords, Lessor or Lessors, his, her or their Heirs, Executors, Administrators or Assigns, or to such Person or Persons to whom the immediate Reversion of such Lands expectant on the Determination of such Lease shall respectively belong, double the Yearly value of the Lands, Tenements and Hereditaments, so detained for so long time as the same are detained, to be Recovered in any of Her Majesty's Courts of Record by Action of Debt or Trespass, whereunto the Defendant or

In Case of
Tenants
Holding
over.

Double the
Yearly va-
lue.

Defendants shall be obliged to give special Bail, against the Recovering of which said Penalty, there shall be no Relief in Equity.

And whereas great Inconveniencies do frequently happen to Lessors and Landlords, in Cases of Re-entry for Non Payment of Rent, by reason of the many Niceties that attend Re-entries at Common Law.

And for as much as when a Legal Re-entry is made, the Landlord or Lessor must be at the Expence, Charge and Delay of Recovering in Ejectment before he can obtain the actual Possession of the Demised Premises, and it often happens that after such a Re-entry made, the Lessee or his Assignee, upon One or more Bills filed in a Court of Equity, not only Holds out the Lessor or Landlord, by an Injunction from Recovering the Possession; but likewise pending the said Suit, do run much more in Arrear without giving any Security for the Rents due when the said Re-entry was made, or which shall or do afterwards incur.

In what Case
to Re-enter.

For Remedy whereof, Be it Enacted by the Authority aforesaid, That in all Cases between Landlord and Tenant, from and after the five and Twentieth Day of March, in the Year of our Lord One thousand seven hundred and twelve, as often as it shall happen that more than One Half Years Rent shall be in Arrear, and the Landlord or Lessor to whom the same is due, hath Right by Law to Re-enter for the Non Payment thereof; such Landlord or Lessor shall and may without any formal Demand or Re-entry, Serve a Summons in Ejectment for the Recovery of the Demised Premises, which Summons in Ejectment shall stand in the place, and stead of a Demand and Re-entry, and in Case of Judgment against the Casual Ejector or Non Suit, for not Confessing Lease, Entry and Duster, it shall be made appear to the Court where the said Suit is depending, by Affidavit, or be proved upon the Tryal in Case the Defendant appears, that more than Half a Years Rent was due before the said Summons was Served, and that no sufficient Distress was to be found on the Demised Premises counterbailing the Arrears then due, and that the Lessor or Lessors in Ejectment had power to Re-enter, then and in every such Case, the Lessor or Lessors in Ejectment, shall Recover Judgment and Execution in the same manner as if the Rent in Arrear had been Legally Demanded and a Re-entry made; and in Case the Lessee or Lessees, his or their Assignee or Assignees, or other person or persons Claiming or Deriving under the said Leases, shall permit and suffer Judgment to be Had and Recovered on such Ejectment and Execution, to be Executed thereon, without Paying the Rent and Arrear, together with full Costs, and without filing any Bill or Bills for Relief in Equity, within Six Calendar Months after such Execution Executed, then and in such Case, the said Lessee and Lessees, his or their Assignee or Assignees, and all other persons Claiming and Deriving under the said Lease, shall be Barr'd and Forclosed from all Relief or Remedy in Law or Equity, other then by Writ of Error for Reversal of such Judgment, in Case the same shall be Erroneous, and the said Landlord or Lessor, shall from thenceforth Hold the said Demised Premises Discharged from such Lease, and if on such Ejectment Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs, shall be Non Suited therein, except for the Defendant or Defendants not Confessing Lease, Entry and Duster, then in every such Case, such Defendant or Defendants shall Have and Recover his and their full Costs.

A Bill for
Relief to be
Filed in Six
Calendar
Months.

Provided always, That nothing herein contained shall extend to Barr the Right of any Postgage or Postgages of such Lease, or any part thereof, who shall not be in Possession.

And be it further Enacted by the Authority aforesaid, That in Case the said Lessee or Lessees, his or their Assignee or Assignees, or other person or persons Claiming any Right, Title or Interest in Law or Equity, of, in, or to the said Lease, shall within the time aforesaid, file One or more Bill or Bills for Relief in any Court of Equity, such person or persons shall

shall not have or continue any Injunction against the proceedings at Law on such Ejectment, unless he or they do, or shall within Forty Days next after a full and perfect Answer, shall be filed, by the Lessor or Lessors of the Plaintiff in such Ejectment, bring into Court, and Lodge with the proper Officer such Sum and Sums of Money as the Lessor or Lessors of the Plaintiff in the said Ejectment shall in his or their Answer swear to be Due and in Arrear over and above all just Allowances; and also the Costs Taxed in the said Suit, there to remain till the Hearing of the Cause, or to be Paid out to the Lessor or Landlord on good Security, Subject to the Decree of the Court, and in Case such Will or Wills shall be filed within the time aforesaid, and after Execution is Executed, the Lessor or Lessors of the Plaintiff shall be Accountable only for so much and no more, as he or they shall really and Bona fide, without Fraud, Deceit, or wilful Neglect, make of the Demised Premises from the time of his or their Entering into the actual Possession thereof, and if, what shall be so made by the Lessor or Lessors of the Plaintiff, happen to be less then the Rent reserved on the said Lease, then the said Lessee or Lessees, his or their Assignee or Assignees, before he or they shall be restored to his or their Possession or Possessions, shall pay such Lessor or Lessors, or Landlord or Landlords, what the Money so by them made fell short of the reserved Rent, for the time such Lessor or Lessors of the Plaintiff, Landlord or Landlords held the said Lands.

Provided always, And be it further Enacted by the Authority aforesaid, That if the Tenant or Tenants, his or their Assignee or Assignees, do or shall at any time before the Tryal, in such Ejectment Pay or Tender the Lessor or Landlord, his Executors or Administrators, or his, their Agent or Attorney in that Cause, all the Rent and Arrears, together with the Costs, then and in such Case, all further Proceedings on the said Ejectment shall cease and be discontinued, and if such Lessee or Lessees, his or their Executors, Administrators or Assigns, shall upon such Bill filed as aforesaid, be Relieved in Equity, he and they shall Have, Hold and Enjoy the Demised Lands according to the Lease thereof made, without any New Lease to be thereof made to him or them.

If the Rent and Charges be tendered, all further Proceedings to cease.

And be it further Enacted by the Authority aforesaid, That all and every person and persons, who from and after the Twenty Fifth Day of March, One thousand seven hundred and twelve, shall take any Assignment of all the residue of any Term for Years, or Life or Lives, their Executors or Administrators, shall be liable to all the Covenants whereunto the Lessees, their Executors and Administrators, were liable by, or by Virtue of the said Leases.

Concerning Assignments.

And whereas the Remedy for recovering Rents Seck, Rents of Assize, and Chief Rents, are tedious and difficult.

Be it therefore Enacted by the Authority aforesaid, That from and after the Five and Twentieth Day of March, which shall be in the Year of our Lord One thousand seven hundred and twelve, all and every person or persons, Bodies Politick and Corporate, shall and may have the like Remedy by Distress, and by Impounding and Selling the same in Cases of Rent Seck, Rents of Assize, and Chief Rents, which have been duly Answered or Paid for the space of Three Years, within the space of Twenty Years, before the First Day of this present Session of Parliament, or shall be hereafter Created, as in Case of Rent Charges, any Law or Usage to the contrary notwithstanding.

Bodies Politick and Corporate, like Remedies as other Landlords.

Provided always, That no Proceedings by Virtue of this Act, for Breach of any Condition, shall prejudice the Right or Title of any Infant, Female Covert, person being Non Compos Mentis, or being out of Her Majesty's Dominion.

Proviso for Infants, Females Covert, and Non Compos Mentis, or out of the Kingdom.

CHAP. III.

An Act to Enable Guardians and others, to Renew Leases for Lives.

Whereas several Persons have heretofore made, and hereafter may make Leases for One or more Life or Lives, of several Lands, Tenements and Hereditaments in this Kingdom, with Covenants and Agreements in such Leases, for renewing the same from time to time, on the Tender and Payment of some Fine certain, on the Death of any Life or Lives, in such Lease or Leases mentioned, by adding such One or more New Life or Lives, on failure of the Life or Lives in being, within the respective times, in such Agreements and Covenants mentioned, as the several Lessor or Lessors, in such Lease or Leases shall nominate.

And whereas, through One pretence or other, on the fall or failure of any Life or Lives in being, the Lessor or Lessors are greatly delayed, before he or they can obtain any Renewal according to the Covenants and Agreements in their Leases, to their very great Discouragement.

In what Cases Guardians may Renew Leases for Lives, &c.

For Remedy whereof, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That if it shall so happen that any person or persons, who in pursuance of such Agreements, for Renewal in such Leases contained, or to be contained, ought to make such New Lease or Leases, as have been or shall be Agreed to be made, shall be under any Disability so to do, by reason of Infancy, Coverture or Non Compos Mentis, that then, and in every such Case (that is to say) in Case of Disability, by reason of Infancy, or being under Age, by the Direction of the High Court of Chancery, or the Court of Exchequer, signified by an Order made upon Hearing all Parties concerned, on the Petition of such Lessor or Lessors, and it shall and may be lawful, to and for the Guardian or Guardians of such Infant or Person under Age, upon such Lessor or Lessors, tendering the Fine or Fines Agreed on in such Lease, and performing all such Matters and Things, as by the said Covenants and Agreements ought to be performed, on his or their Part and Behalf, previous to such Renewal, in such manner as shall by such Order be directed, to Renew such Lease or Leases, by adding such New Life or Lives, as shall be named by the said Lessor or Lessors, according to the said Covenants and Agreements, and such Guardian or Guardians, are hereby required to Renew such Lease or Leases, by putting in such New Life or Lives as shall be so named unto them as aforesaid, while the Infant or Minor of such Guardian or Guardians, shall be under such Disability of Infancy, or under Age.

The Lord Chancellor in Case of Non Compos Mentis, Coverture, &c.

And be it Enacted by the Authority aforesaid, That in all Cases where the person or persons, who by Covenant or Agreement are obliged to make such Renewals, are or shall be disabled to Renew, by reason of being under Coverture beyond the Seas, or Non Compos Mentis, it shall and may be lawful, to and for the Lord Chancellor, or Commissioner or Commissioners of the Great Seal of this Kingdom, for the time being, upon Petition or Complaint made to him or them, in the High Court of Chancery, upon Payment of the Fine, and such other Sum or Sums of Money as ought to be Paid upon such Renewal, for the Use of the person or persons Intituled to the same, and upon the Lessor or Lessors doing and performing all, and every such Matters and Things, as by the said Covenants or Agreements in the said Lease or Leases ought to be done, or performed by him or them, previous to such Renewal, to Order or Appoint such Renewal or Renewals to be made, by One of the Masters of the said Court of Chancery, to be nominated, and Appointed by the said Lord Chancellor, or Commissioner or Commissioners of the Great Seal,

for the time being, and such Passer so nominated and Appointed, and also, such Guardian and Guardians as aforesaid, shall make and execute, such Deed of Renewal, in the Name of the person or persons, who ought to have Renewed the same, which Deed or Deeds of Renewal, so made and executed, by the said Guardian or Guardians, Passer or Passers, Counter-parts thereof, being duly perfected by the Lessee or Lessees, for the Use and Benefit of the person or persons, having the Reversion and Inheritance of such Lands, Tenements or Hereditaments, comprized in such Deed or Deeds, shall be as good and effectual in Law and Equity, to all intents and purposes, as if the person or persons under Age, had been of full Age, and had Executed the same, or as if the other person or persons under such disability had not been so disabled, and had Executed the same.

Provided, That such person or persons under Age, or under such Disability as aforesaid, were at the time of the Renewal of such Lease, Compellable in Law or Equity, to make such Renewal.

CHAP. IV.

An Act for the more effectual preventing the Ingrossing, Forestalling, and Regrating of Coals, Imported into this Kingdom.

VVhereas several Attempts have been lately made to Create a Monopoly of Coals in the City of Dublin, and other Cities and Towns Corporate in this Kingdom, by Ingrossing great Quantities of Coals, and Buying the same before such Coals were brought up to the Publick Keys, of such Cities and Towns Corporate, and Ports adjacent to the known and proper Places for Landing such Coals, whereby the Importers and Wholesalers of such Coals, have been greatly Discouraged from Importing such Coals, and often Persecuted to sell entire Fleets of such Coals, to the persons Engaged in such Monopoly's at low Prices, and Per Petitions Subjects of this Kingdom, at the same time forced to pay excessive Prices for such Coals, to the Engrossers thereof, therefore for the Encouragement of the Importation of Coals, and remedying and preventing the Dischiefs arising by such Monopoly's.

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That from and after the first Day of November, One thousand seven hundred and eleven, it shall not be Lawful for any person or persons, Bodies Politick or Corporate, to Treat, Buy, or Contract, for any Quantity of Coals, that shall be Imported into the Harbour or Port of Dublin, to be Sold, until such Coals shall be brought up to some Publick Key or Keys of the said City, and there Expoted to Sale; Or to Treat, Buy, or Contract for any Quantity of Coals, that shall be Imported into any Harbour or Port of any other City or Town Corporate, to be Sold, before such Coals shall be brought to the Publick Key or Keys, or other Publick Places used for Landing thereof.

And be it further Enacted by the Authority aforesaid, That no person or persons, Bodies Politick or Corporate whatsoever, shall from and after the said first Day of November, One thousand seven hundred and eleven, Buy, and Lay up in Pards or elsewhere, either singly, on his, her or their own Account, or in Partnership with any other, or by any other person or persons in Trust for him, her or them, more than One Thousand Tuns of Coals, for Retail in any One Year, and in Case, any person or persons, Bodies Politick or Corporate, shall either Treat, Buy or Contract for any such Coals, before they be brought to the said Publick Key, or Places before mentioned, or shall Buy and Lay up in Pards or elsewhere, in any One Year, more than One Thousand Tuns for Retail,

as aforesaid, every such person or persons, shall for every such Offence Forfeit double the value of such Coals, which shall be Treated for, Bought or Contracted for, before they be brought to the said Publick Keys or Places, and of such Coals that shall be so Bought in any One Year, over and above the said One Thousand Tun, to be Recovered in Her Majesties Courts of Queens-Bench, Common-Pleas, or Exchequer, by Information or Action of Debt, One Moiety of the Forfeitures arising within the Bills of Mortality of the City of Dublin, to go to the person or persons who shall Sue for the same, and the other Moiety thereof, to be applied to the use of the Workhouse in the said City, and One Moiety of all other such Forfeitures, to the use of such person or persons, who shall Sue for the same, and the other Moiety to the Minister and Church-Wardens of the respective Parishes, wherein such Offence shall be committed, for the use of the Poor in the said Parishes, to be Accounted for, by the said Minister and Church-Wardens, as in Cases of Parish Money, in which Information or Action, no Protection, Escoin or Wager of Law shall be allowed, and but One Imparllance.

And be it further Enacted by the Authority aforesaid, That if any persons shall after the time aforesaid, Enter into any Combination or Agreement, for Inhandling the Prices of Coals, such person or persons being Lawfully Convicted thereof, on any Information or Indictment, shall for every such Offence, Forfeit the Sum of Fifty Pounds, One Moiety thereof, to the Minister and Church-Wardens, for the use of the Poor, in the Parish where such Offence shall be committed, and the other Moiety to the Informer.

And for the further prevention of all Combination, and Clandestine Practices that may be used, to Elude the Remedy designed by this Act.

Be it further Enacted by the Authority aforesaid, That it shall and may be Lawful, for the Informer or Plaintiff in such Action, to Exhibit Personal Interrogatories against such of the Defendants, in such Information or Action, as he shall think fit, in the Court where such Suit or Information shall depend, and thereby oblige such Defendant or Defendants, on their Corporal Oaths to discover, and set forth, when and where such Defendant or Defendants, or any in Trust for them or either of them, or in Partnership with them or either of them, or by, or with their, or either of their Direction or Privy, first Contracted for, or Bought such Coals, and what quantities of Coals, they or any of them, or any in Trust for them, or either of them, or in Partnership with them, or either of them respectively, have Bought or Retailed, within Twelve Months before such Suit brought, and the Names of such Partners, Trustees, Agents and Persons, who were Employed or concerned, in the Contracting, Buying, or Retailing thereof, and whether there has been any, and what Contract, Agreement or Combination, by, or between him, them, or any of them, and any, and what other person or persons whatsoever, and who by Name, touching the Ingrossing or Setting the Price or Prices of Coals, to be by them, or any of them, respectively Retailed or Sold, to which Interrogatories, such Defendant or Defendants, shall put in a full and distinct Answer, on his, and their Oaths, and shall not by Plea or Demurrer, Cover or Conceal the same, any Law or Usage to the contrary notwithstanding, which Oath the Court, where such Suit shall be Pending, shall be, and is hereby Impowered to Administer, and to grant One or more Attachments, against such Defendant or Defendants, who shall Neglect or Refuse to make such Answer, on his or their Oaths as aforesaid.

Provided always, And be it nevertheless Enacted by the Authority aforesaid, That upon such Answer and Discovery, the person or persons, who shall so Answer and Discover as aforesaid, shall be Acquitted, Indemnified and Discharged, from any further Prosecution, in the said Suit and Information, and from any Punishment, Forfeiture or Penalty, which

which he or they may have incurred, for or by reason of any Matter or Thing Discovers, in such Answer, to such Interrogatories, and his or their Names, shall by Order of the said Court, be Struck out of such Suit or Information, and he or they, shall and may be Examined as a Witness or Witnesses, against the other Defendants or Persons concerned, any former or other Statute, Law or Usage, or any Thing, in these Presents to the contrary thereof, in any wise notwithstanding.

And for the Encouragement of Owners, Masters, and Purkers of Coal Ships, to bring up their Coals, to the Publick Keys, and Places aforesaid, there to be fairly Expoted to Sale.

Be it Enacted by the Authority aforesaid, that the several Clauses in the Statute, made in this Kingdom, in Her Majesties Reign, Intituled, An Act to Regulate the Taking and Exacting Tolls throughout this Kingdom, and to prevent Ingrossing Coals in the City of Dublin, which Statute is made Perpetual, by an Act made in the Sixth Year of Her Majesties Reign, Intituled, An Act, for the continuing and perpetuating of divers Laws and Statutes heretofore Temporary, and for Amending of the Law, in relation to Butter Casks, whereby the time is limited and restrained, for keeping Coals in Cabbards or Lighters, and whereby the Owners of such Coals or Coal Vessels, are obliged to Sell the same within Eight Days, after the same shall be brought up to the Keys, and all Penalties imposed thereby, on the Accounts aforesaid, be Repealed and Discharged.

Provided always, That this Act shall be and continue in Force for Seven Years, from the first Day of November, One thousand seven hundred and eleven, and to the end of the then next Session of Parliament, and no longer.

CHAP. V.

An Act for the better preventing of Excessive and Deceitful Gaming.

V Whereas the Laws now in Force, for preventing the Viciousness, which happen by Gaming, have not been found sufficient for that purpose, therefore for the further preventing of all Excessive and Deceitful Gaming.

Be it Enacted by the Queen's most Excellent Majesty, by and with All Securities the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first Day of November, One thousand seven hundred and eleven, all Notes, Bills, Bonds, Judgments, Portgages or other Securities, or Conveyances whatsoever Given, Granted, Drawn or Entered into, or Executed by any person or persons whatsoever, where the whole or any part of the consideration of such Conveyances or Securities, shall be for any Money or other valuable Thing whatsoever, Won by Gaming or Playing at Cards, Dice, Tables, Tennis, Bowles or other Game or Games whatsoever, or by Betting on the Sides or Hands of such, as do Game at any of the Games aforesaid, or for the Reimbursing or Re-paying any Money, knowingly Lent or Advanced, for such Gaming or Betting as aforesaid, or Lent or Advanced at the Time and Place of such Play, to any person or persons so Gaming or Betting as aforesaid, or to any other person or persons in Trust for, or to the Use or Benefit of him or them so Gaming or Betting, or that shall during such Play, so Play or Bett, shall be utterly Void, Frustrate and of none Effect, to all Intents and Purposes whatsoever, any Statute, Law or Usage to the contrary thereof in any wise notwithstanding.

And that where such Portgages, Securities or other Conveyances, shall be of Lands, Tenements or Hereditaments, or shall be such as Incumber or Effect the same, such Portgages, Securities or other Conveyances shall

All Grants, Conveyances, to be

deemed Void
and Fraudu-
lent.

Enure, and be, to and for the sole Use and Benefit of, and shall De-
volve upon such person or persons, as should, or might have, or be Inti-
tuled to such Lands, Tenements or Hereditaments, in Case the said
Grantor or Grantors thereof, or the person or persons so Incumbryng the
same, had been naturally Dead, and as if such Mortgages, Securities or
other Conveyances, had been made to such person or persons so to be In-
titled, after the Decease of the person or persons so Incumbryng the same,
and that all Grants or Conveyances to be made, for the preventing of
such Lands, Tenements or Hereditaments, from coming to, or devolving
upon such person or persons, hereby intended to Enjoy the same as afore-
said, shall be deemed Fraudulent and Void and of none Effect, to all
Intent and Purposes whatsoever.

The Money
lost if paid,
the Party
may in Three
Months reco-
ver the same
again.

And be it further Enacted by the Authority aforesaid, That from and
after the said first Day of November, One thousand seven hundred and
eleven, any person or persons whatsoever, who shall at any time within
Twenty Four Hours, or at any One Meeting or Sitting, by Playing at
Cards, Dice, Tables, or other Game or Games whatsoever, or by Bett-
ing on the Sides or Hands of such as do Play, at any of the Games afore-
said, Lose to any One or more person or persons so Playing or Betting
in the whole, the Sum or Value of Ten Pounds, and shall Pay or De-
liver the same, or any part thereof, the person or persons so Losing and
Paying or Delivering the same, shall be at Liberty within Three Months
then next following, to Sue for, and Recover the Money or Goods so
Lost and Paid or Delivered, or any part thereof, from the respective
Winner and Winners thereof, with Costs of Suit, by Action of Debt
founded on this Act, to be Prosecuted in any of Her Majesties Courts of
Record, in which Actions or Suits, no Essoine, Protection, Wager of
Law, Privilege of Parliament, or more then One Imparllance shall be
allowed, in which Actions, it shall be sufficient for the Plaintiff to Al-
ledge, that the Defendant or Defendants, are Indebted to the Plaintiff's,
or received to the Plaintiff's use, the Money so Lost and Paid, or Con-
verted the Goods Mon of the Plaintiff's to the Defendant's use, whereby
the Plaintiff's Action accrued to him according to the Form of this Sta-
tute, without Setting forth the Special Matter, and in Case the person
or persons who shall Lose such Money, or other Thing as aforesaid,
shall not within the time aforesaid, Really and Bona Fide, and without
Cobin or Collusion Sue, and with effect Prosecute for the Money or other
Thing, so by him or them Lost and Paid, or Delivered, as aforesaid, it
shall and may be Lawful, to and for any person or persons, by any such
Action or Suit as aforesaid, to Sue for and Recover the same, and tre-
ble the value thereof, with Costs of Suit against such Winner or Win-
ners as aforesaid, the One Moiety thereof to the use of the person or per-
sons that will Sue for the same, and the other Moiety to the Minister
and Church-Wardens, for the use of the Poor, in the Parish where the
Offence shall be committed, and for the better Discovery of the Moneys,
or other Things so Won, and to be Sued for, and Recovered as afore-
said.

The Person
Sued is
bound to an-
swer upon
Oath.

Be it further Enacted by the Authority aforesaid, That all and every
the person or persons, who by vertue of this present Act, shall or may be
liable to be Sued for the same, shall be obliged, and compellable to An-
swer upon Oath, such Bill or Bills, as shall be preferred against him
or them, for Discovering the Sum or Sums of Money, or other Thing
so Won at Play as aforesaid.

Five times
the value of
the Money
won, to be
paid.

And be it further Enacted by the Authority aforesaid, That if any per-
son or persons whatsoever, at any time or times, after the said first Day
of November, One thousand seven hundred and eleven, do or shall by any
fraud or Shift, Consequence, Circumvention, Deceit or unlawful De-
vice, or ill Practice whatsoever, in Playing at, or with Cards, Dice, or
any the Games aforesaid, or in or by bearing a Share or Part, in the
Stakes,

Stakes, Wagers or Adventures, or in, or by Betting on the Sides or Hands, of such as do or shall Play as aforesaid, Win, Obtain or Acquire to him or themselves, or to any other or others, any Sum or Sums of Money, or other valuable Thing or Things whatsoever, or shall at any time within the space of Twenty Four Hours, or any One Meeting or Sitting, Win of any One or more person or persons whatsoever, above the Sum or value of Ten Pounds, that then every person or persons so Winning by such ill Practices as aforesaid, or Winning at any One Time, or Sitting as aforesaid, above the said Sum or Value of Ten Pounds, and being Convicted of any of the said Offences, upon an Indictment or Information, to be Exhibited against him, or them for that purpose, shall forfeit five times the value of the Sum or Sums of Money, or other Thing so Won as aforesaid, and in Case of such ill Practice as aforesaid, shall be deemed Infamous, and suffer such Corporal Punishment, as in Cases of Wilful Perjury, and such Penalty to be Recovered by such person or persons, as shall sue for the same, by such Action as aforesaid.

And whereas, divers Lewd and Dissolute persons, Live at great Expences, having no visible Estate, Profession or Calling, to maintain themselves, but Support those Expences by Gaming only.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful, for any Two or more of Her Majesties Justices of the Peace, in any County, City or Liberty whatsoever, to cause, to come, or to be brought before them, every such person or persons within their respective Limits, whom they shall have just cause to suspect, to have no visible Estate, Profession or Calling, to maintain themselves by, but do for the most part support themselves by Gaming, and if such person or persons, shall not make it appear to such Justices, that the principal part of his, or their Expences, is not maintained by Gaming, that then such Justices shall require of him or them, sufficient Security, for his or their good Behaviour, for the space of Twelve Months, and in default of his or their finding such Securities, to Commit him or them to the Common Goal, there to remain, until he or they shall find such Securities as aforesaid.

And be it Enacted by the Authority aforesaid, That if such person or persons so finding Securities as aforesaid, shall during the time, for which he or they shall be so bound, to their good Behaviour, at any one Time or Sitting, Play or Bett, for any Sum or Sums of Money, or other Thing exceeding in the whole, the Sum or Value of Twenty Shillings, that then such Playing, shall be Deemed or Taken, to be a Breach of his or their good Behaviour, and a Forfeiture of their Recognizance given for the same.

And for preventing such Quarrels, as shall or may happen upon the Account of Gaming.

Be it further Enacted by the Authority aforesaid, That in Case any person or persons whatsoever, shall Assault, or Beat, or shall Challenge, or Provoke to Fight any other person or persons whatsoever, upon Account of any Money Won by Gaming, Playing or Betting, at any of the Games aforesaid, such person or persons Assaulting or Beating, or Challenging, or provoking to Fight, such other person or persons, upon the Account aforesaid, shall, being thereof Convicted, upon an Indictment or Information, to be Exhibited against him or them, for that purpose, forfeit to Her Majesty, Her Heirs and Successors, all his Goods, Chattles, and Personal Estate whatsoever, and also suffer Imprisonment, without Bail or Painspreze, in the Common Goal, of the County where such Conviction shall be had, during the Term of Two Years.

And for prevention of the great Pilechies that commonly Attend Gaming in Shops, within this Kingdom.

The Justices of the Peace to enquire and take up persons suspected to have no visible Estates, &c.

Any Two Justices of Peace may call any one, that they shall suspect before them &c.

No one bound to their good behaviour not to sit and bett or play, the penalty.

If any one shall Assault or Challenge, or provoke to Fight any one upon the account of Money won at Gaming, the Forfeiture.

No Shop-
Keeper or
House Keep-
er to Encou-
rage Gaming,
on the Penal-
ty of Forfeit-
ing Ten
Pounds.

Be it Enacted by the Authority aforesaid, That from and after the first Day of November next, no person or persons whatsoever, shall Play at any Game or Games, with Dice or Cards, within any Shop or Shops, or in any Room or Place thereunto belonging, for any Money or Goods, and that no Shop-keeper or other person or persons whatsoever, keeping such Shop or Shops, or any Room or Place thereunto belonging shall Entourage, or knowingly permit or suffer any person or persons whatsoever, to Play at any Game or Games whatsoever, with Dice or Cards, for any Money or Goods, within their respective Shops or Ware-Houses, or any Room, Chamber, Shed or Place belonging to such Shops, or Ware-Houses, and which any way belong to the Owners, Occupiers or Possessors of such Shops and Ware-Houses, upon pain of Forfeiting the Sum of Ten Pounds, for every such Offence, to be Recovered with Costs, from the person or persons so Offending, and to be Distributed in such Manner, as herein before is Enacted, in Relation to persons that shall Win, or Lose any Sum, exceeding the Sum of Ten Pounds as aforesaid.

No Person to
Play in any
Shop, &c.
without
consent of
the Owner,
&c.

Provided always, That if any person or persons do, after the aforesaid time, Play at any Game, with Dice or Cards, in such Shop, Ware-House, Room, Chamber, Shed or Place aforesaid, against the Will and Desire, and without the Consent of the Occupiers and Possessors of the same, then, and in such Case, if such Shop-keepers, or House-keepers, in whose Shop or House, or One or more of his Servants, or of his family, shall within the space of Twenty Eight Days next, after such Offence committed, give Information upon Oath, before a Justice of the Peace, or other proper Magistrate, against the person or persons, who shall so Offend, that then and in such Case, the said Shop-keepers and House-keepers, shall not be liable to the said Penalty inflicted on them as aforesaid, and such Justice or Justices of the Peace, or proper Magistrate or Magistrates, before whom such Information shall be made, are hereby required, to Issue a Warrant against every person and persons so Offending, and Commit him, her or them to Prison, until he, she or they find good Security, for their, his or her good Behaviour, and shall nevertheless be liable to the Penalties, to be Indicted on the persons so Playing as aforesaid.

Provision for
Playing in
the Castle of
Dublin, &c.

Provided always, That nothing herein contained, shall extend to prevent or hinder any person or persons, from Gaming or Playing at any the Games aforesaid, in the Castle of Dublin, or any other the Houses of Her Majesty, Her Heirs or Successors, during such time as the Lord Lieutenant or other Chief Governor or Governors, for the time being, shall be actually resident, during the time of such actual Residence, and so as such Playing be for ready Money only.

CHAP. VI.

An Act for Suppressing Lotteries.

Lotteries to
be taken as
publick Nu-
sances.

Whereas, many Evil Disposed Persons, have of late, set up many Mischievous and Unlawful Games called Lotteries, not only in the City of Dublin, but in other parts of this Kingdom, and by Setting up to Sale, by way of Lottery, several Goods and other Merchandizes at unreasonable and excessive Rates, thereby most Unjustly and Fraudulently got to themselves, great Sums of Money from the Children and Servants of several Gentlemen, Traders and Merchants, and from many Unwary Persons, to the great Impoverishment of the Merchants, and Fair Traders of this Kingdom.

No Person to
Keep, Play at,
or Draw at
any Lottery,
&c.

For Remedy whereof, Be it Enacted, by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority

Authority of the same, That from and after the first Day of November, One thousand seven hundred and eleven, all Lotteries shall be Deemed, Adjudged, and Taken, to be Publick Usances, and that from and after the said first Day of November, One thousand seven hundred and eleven, no person or persons whatsoever shall publickly or privately, Exercise, Keep, Open, Shew, or Expose, to be Plaid at, Drawn at, or Thrown at, or Shew, Draw, Play or Thrown, at any such Lottery, or any other Lottery, either by Dice, Lotts, Cards, Balls, or any other Numbers or Figures, or any other way whatsoever.

And be it further Enacted by the Authority aforesaid, That every person or persons, that shall after the said first Day of November, One thousand seven hundred and eleven, Exercise, Expose, Open or Shew, to be Plaid, Thrown or Drawn at, any such Lottery, Play, or Devisé, or any other Lottery, shall forfeit for every such Offence, the Sum of One Hundred Pounds, to be Recovered by Information, Bill, Plaint or Action at Law, in any of Her Majesties Four Courts at Dublin, wherein no Essoign, Wager of Law, or any more than One Imparlance shall be allowed, One Third part thereof to the Use of Her Majesty, Her Heirs and Successors, One other Third part thereof to the use of the Poor of the Parish, where such Offence shall be committed, and the other Third part thereof together, with double Costs to the Party, that shall Inform and Sue for the same, and the said Parties so Offending, shall likewise be Prosecuted as common Cheats, according to the Statutes in that Case made and provided.

The Penalty for Exposing any Lottery, &c.

And be it further Enacted by Authority aforesaid, That every person or persons, that after the said first Day of November, One thousand seven hundred and eleven, shall Play, Throw or Draw, at any such Lottery, Play or Devisé, or other Lotteries, shall forfeit for every such Offence, the Sum of Ten Pounds, to be Recovered by Information, Bill, Plaint or Action at Law, in any of Her Majesties Four Courts at Dublin, wherein no Essoign, Wager of Law, nor any more than one Imparlance shall be allowed, One Third part thereof to the Use of Her Majesty, Her Heirs and Successors, One other Third part thereof to the Use of the Poor of the Parish, where such Offence shall be committed, and the other Third part thereof, together with double Costs to the Party that shall Inform and Sue for the same.

The Forfeiture for Playing or Drawing, &c.

Provided, That no person who shall be Prosecuted by Vertue of this Act, for any the Offences herein mentioned, shall be Prosecuted for the same, by Vertue of any other Act of Parliament whatsoever.

No Person Prosecuted by this Act to be Prosecuted by any other.

CHAP. VII.

An Act for the better Preservation of the Game.

Whereas the Game and Fish in Rivers and Ponds of this Kingdom, is very much Destroyed by Birds or Beasts of Prey, to Encourage the Killing of all such Birds or Beasts of Prey.

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the five and Twentieth Day of December, in the Year of our Lord One thousand seven hundred and eleven, for every Otter that shall be Killed, there shall be a Reward of five Shillings, for every Weazel six Pence, for every Heron six Pence, for every Kite four Pence, and for every Scal-Crow two Pence, to the person or persons so Killing the same respectively, which said several respective Sums, it shall and may be Lawful, to and for, each and every Grand Jury, at their respective Quarter Sessions throughout this Kingdom, on Examination upon Oath thereof, taken before one or more Justices of the Peace,

The Reward for Killing Otter, Weazel, Heron, Kite or Scal-Crow.

for the respective Counties, wherein such Otter or Weazel, Heron, Kite or Scal-Crow was killed, in such County, to Present the same, and the Sum or Sums so Presented, it shall and may be Lawful, to and for, the several and respective High and Petty Constables, on an Order from the Quarter-Sessions, Signed by the Clerk of the Peace, of the several and respective Quarter-Sessions, as in such Cases is usual to Levy and Collect, and the same so Levied and Collected, shall be Paid by the Treasurer, or other person or persons of each County, appointed to receive the Publick Money, to the person or persons, who produce a Certificate of his, or their having killed the same, the next Quarter-Sessions after such Money is so Presented, without Fee or Reward to such Treasurer, or other person appointed to Receive the same.

And whereas, the Species of Red-Deer is like to be entirely Destroyed, for want of a sufficient Law, to Detect such persons, as make it a great part of their Business, to kill and Destroy the same.

The Penalties for Killing Red-Deer, or Calf of a Red-Deer.

Be it therefore Enacted by the Authority aforesaid, That if any person or persons, shall from and after the five and Twentieth Day of December, One thousand seven hundred and eleven, (except such as are qualified to kill the Game,) kill, or any way Destroy, without the Consent of the Owner or Owners thereof, any Red-Deer or Calf of a Red-Deer, such person or persons so Offending, shall for the first Offence, being thereof Lawfully Convicted, pay the Sum of Forty Shillings, and for every other Offence, the Sum of five Pounds, which Offences shall be Determined, before Two or more Justices of the Peace, and for the better Discovery of such Offender.

Be it Enacted by the Authority aforesaid, That it shall and may be Lawful for any Constable, Officer or other Person, by Warrant of any Two or more Justices of the Peace, within the Limits of their respective Jurisdictions, to make Search in all suspected Houses and Places, other than of such persons who shall be qualified to kill the Game, for any Red-Deer Skin, flesh or Calf of a Red-Deer, and if such person shall find any such Red-Deer, Calf, flesh or Skin, of such Red-Deer or Calf, in the Possession of any person, he shall bring such suspected person before such Justices of the Peace, where, if such person shall not make Proof to the satisfaction of the said Justices of the Peace, that the same was not Taken, Killed, or Gotten contrary to this Act, or else, shall not in some convenient time, to be Set by the said Justices, not exceeding Six Days produce, the Party of whom he Bought the same, or some other credible person to Depose upon Oath such Sale thereof, that then such person not giving such good Account, nor producing such Witnesses as aforesaid, shall be Convicted by the said Justices of the said Offence, and upon such Conviction, shall forfeit the Sums before-mentioned, to be Levied by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of such Justices, before whom such Offenders shall be Convicted, rendering the Overplus (if any be) and for want of Distress, the Offender or Offenders shall be committed to the House of Correction, for any time not exceeding One Month, and not less than Ten Days, there to be Whipped, and kept to Hard Labour.

And be it further Enacted by the Authority aforesaid, That if it shall appear upon Oath, before such Justices of the Peace, that any person or persons have Bought from any person whatsoever (except persons qualified to kill the Game, or the Owner or Owners thereof) any Red-Deer, Calf, or Skin of a Red-Deer, it shall be in the power of such Justices of the Peace, to Award the Party who Discovers the same, the Sum of Twenty Shillings, to be Levied by Distress and Sale as aforesaid, of the Buyers Goods.

And whereas the Species of Cocks of the Wood, a Fowl peculiar to this Kingdom, is in danger to be entirely Lost, unless some care be taken to preserve the same.

Be it further Enacted by the Authority aforesaid, That if any person or persons shall at any Time or Times within Seven Years next after the said Twenty fifth Day of December, One thousand seven hundred and eleven, Kill, or any way Destroy any Cock or Hen of the Wood, or Spoil, Take or Destroy any Eggs or Nest of any such Hen of the Wood, or if any Cock or Hen of the Wood, or the Eggs or Nest of any such Hen of the Wood, shall be found, or taken in the Possession or Custody of any person or persons within the time aforesaid, such person or persons so Offending, being Lawfully Convicted thereof, shall Forfeit and Pay the Sum of Ten Shillings, to be Determined before such persons, and Levied in such manner as aforesaid, and for want of Distress, the Offender or Offenders, shall be committed to the House of Correction, for any Time not exceeding One Month, and not less then Ten Days, there to be Whipped, and kept to hard Labour.

C H A P. VIII.

An Act for Explaining and Amending several Statutes, for prohibiting Under-Sheriffs and Sheriffs Clerks, from Officiating as Sub-Sheriffs or Sheriffs Clerks, more than One Year.

Whereas by an Act of Parliament, made in England, in the forty Second Year of King Edward the Third, it is Enacted, That no Sheriff, Under-Sheriff or Sheriffs Clerk, shall abide in his Office above One Year; And by another Act made in England, in the first Year of King Richard the Second, it is Enacted, That none who hath been Sheriff for a Year, shall within Three Years next ensuing, be Chosen again, or put into the Office of Sheriff, if there be other Persons in the County sufficient of Possession, and Goods to Answer the King and his People. And by another Act made in England, in the first Year of King Henry the fifth; it is Enacted, That they which be Bailiffs of Sheriffs for One Year, shall be in no such Office by Three Years next following, except Bailiffs of Sheriffs, which be Inheritable in their Sheriffs-wicks, and that no Under-Sheriff, Sheriffs Clerk, Receiver or Sheriffs Bailiff, be Attorney, in any of the King's Courts, during the time that he is in his Office with any such Sheriff. And by another Act of Parliament made in England, in the Twenty Third Year of King Henry the Sixth; it is Enacted, That if any Sheriff or Under-Sheriff, or Sheriffs Clerk, Occupy the Office of Sheriff, Under-Sheriff or Sheriffs Clerk, contrary to any of the said Statutes, or against the effect or intent of them, he shall Forfeit the Sum of Two Hundred Pounds Yearly as long as he so Occupieith, and that every Pardon to be made for such Offence or Occupation, shall be Void, and that any Liege-Man, who will Sue for the said Forfeiture, shall be Received and Admitted to Sue an Action of Debt in his own Name, the King to have the One Half of what shall be Recovered by such Suit, and he or they, that will Sue to have the other Half. All which Acts are of Force in this Kingdom.

And whereas, the said Acts have been notoriously Eluded by Under-Sheriffs, Sheriffs Clerks, Deputies and Bailiffs, continuing in their Offices for several Years together, One Year as Under-Sheriff, other as Sheriffs Clerk or Deputy, Receiver or Bailiff, and by taking the said Offices by turns, and in other Persons Names in Trust, and Receiving the Profits for their own Use, which hath been the occasion of much Corruption, delay of Justice, Oppression of the Subjects, and other Viciousness, For Remedy whereof, and for the better and more effectual Execution of such wholesome and necessary Laws,

Be it Enacted, and Declared by the Queen's most Excellent Majesty, All Acts concerning the Office of Sheriff, Under-Sheriff, Sheriffs Clerk, Deputy, Receiver or Bailiff, and by the Authority of the same, That all and every the Laws and Statutes now in

in Force, to
continue so.

Force for, or touching the Execution of the Office of Under-Sheriff or Sheriffs Clerk, and not hereby Altered or Repealed, shall be duly put in Execution according to the Tenor of the said Laws, and under the Penalties therein contained, as by the said Laws are Directed.

And for Amending and Explaining the said Act of Parliament, made in England, in the Forty Second Year of the Reign of King Edward the Third, That no Under-Sheriff or Sheriffs Clerk, should abide in his Office above One Year.

None to Of-
ficiate as Sub-
Sheriff or
Sheriffs Clerk
that hath Of-
ficiated in
that Court
within three
Years.

Be it Enacted by the Authority aforesaid, That no Person whatsoever, shall from and after the Sixth Day of November, One thousand seven hundred and eleven, be Admitted into, or shall take on him, or presume to Exercise, Execute or Officiate by himself, or any under him, or in Trust for him, or to his Use, the Office or Duty, of an Under-Sheriff, Sheriffs Clerk or County Clerk, in any County, or County of a City or Town, within this Kingdom, who hath within the Space of Three Years next, before his Admission therein Executed, Officiated or Exercised, either or any of the said Offices or Duties, within the said County, or County of a City or Town; and if any Person or Persons, shall after the said Sixth Day of November, One thousand seven hundred and eleven, offend herein, he shall forfeit and Pay for every such Offence, the Sum of Five Hundred Pounds, to be Recovered in any of Her Majesty's Four-Courts of Dublin, wherein no Escoign, Privilege, Protection or Wager of Law, shall be allowed, or any more than One Imparllance granted, the One Moiety thereof, to be Applied to the use of the Exchequer or House of Correction of such County, or County of a City, wherein such Offence shall be committed, the other Moiety to be Applied to the use of him, her or them, that will Sue for the same, in any of Her Majesty's Four-Courts at Dublin, by Action of Debt, Bill, Plaint or Information, Grounded on this Statute, any Law or Statute to the contrary notwithstanding, unto which said Action, the Judge or Judges of the Court wherein the same shall be brought, shall, and are hereby Required upon Affidavit made of such Offence, to hold and oblige the Defendant, to give in such Action, and likewise if Judgment be given against the Defendant, he shall, and is hereby Decreed and Adjudged, and made for ever hereafter incapable of Acting as Under-Sheriff, Sheriffs Clerk or County Clerk, in any County, County of a City or Town.

And be it further Enacted by the Authority aforesaid, That all and every Person or Persons, who shall after the said Sixth Day of November One thousand seven hundred and eleven, be Nominated, Constituted or Appointed Under-Sheriffs, Sheriffs Clerk or County Clerk, within any County, or County of a City or Town, shall before he or they shall Exercise, Officiate, or in any manner Execute the said Office or Duty of an Under-Sheriff or Sheriffs Clerk, Enter into a Recognizance to Her Majesty, Her Heirs and Successors, with sufficient Security in the Penalty of Two Hundred Pounds, before a Justice of the High Court of Chancery, or before a Justice Extraordinary for taking Affidavits in the Country, who are hereby Authorized and Required to take such Recognizances, Conditioned, That he has not taken the said Office, Duty or Employment, to the use of, or in Trust for any Person or Persons, who was or hath been Under-Sheriff or Sheriffs Clerk, or Executed either of the said Offices or Employments in the said County; or County of a City or Town, within the space of Three Years then next preceding, or any other Person or Persons in Trust for such preceding Sheriff, and that he will Execute the same in Person, and that all the Fees and Perquisites, Benefits and Advantages, of what nature or kind soever, are entirely to his own proper Use, Benefit and Advantage, or to the proper Use, Benefit and Advantage of the High Sheriff, and that he neither shall or will Forbear, Postpone, or delay the Execution or Return of any Writ or Process that shall come to his Hands, or be Lodged in the Sheriffs Office for any

To Enter in-
to Recogni-
zance that
the Office is
not taken in
Trust.

any Gratuity, Reward or other Consideration whatsoever; which said Recognizance so taken, shall be in Two Months after the taking thereof, Returned into Her Majesty's Court of Exchequer, for the Recording of which Recognizance, shall be Received the Sum of Two Shillings and Six Pence, and no more.

And be it further Enacted by the Authority aforesaid, That before every such Under-Sheriff, Sheriffs Clerk or County Clerk, shall take upon him such Office, or any way Officiate therein, they shall Take and Swear the Oath following before such Person or Persons, before whom he shall Enter into such Recognizance as aforesaid, which Person or Persons are hereby Impowered and Required to Administer the said Oath, to Wit.

I A. B. Do Swear, That neither I, nor any Person in Trust for me, or for my Use or Benefit, have Executed the Office or Duty of Under-Sheriff, Sheriffs Clerk or County Clerk, within the County of or any way Officiated or Acted in any of the said Offices at any time within Three Years last past, and that I have not taken the said Office or Employment to the Use of, or in Trust for any Person or Persons, who was or hath been Under-Sheriff or Sheriffs Clerk, or Executed either of the said Offices or Employments, in the said County of within the space of Three Years last past; or any Person or Persons in Trust for me; and that I will Execute the said Office in Person: And that all the Fees and Perquisites, Benefits and Advantages, of what Nature and Kind soever belonging to the said Office, shall be taken to my own Use, Benefit and Advantage, or the Use of the High-Sheriff, and that I neither shall or will Forbear, Postpone or Delay the Execution or Return of any Writ or Process that shall come to my Hands, or be Lodged in the Sheriffs Office, for any Gratuity, Reward or other Consideration whatsoever.

The Oath to be Taken by the Sub-sheriffs or Sub-sheriffs Clerk or County Clerk before he Ads.

And be it further Enacted by the Authority aforesaid, That if any such Under-Sheriff, Sheriffs Clerk or County Clerk, or any other Person shall Execute such Office or Duty, or any way Officiate therein, before he shall have Entered into such Recognizance, and Taken such Oath as aforesaid, such Under-Sheriff, Sheriffs Clerk and County Clerk, or other Person Officiating as aforesaid, shall Forfeit and Pay for every such Offence, the Sum of Five Hundred Pounds, to be recovered in such manner, and to go to such Uses and to such Persons, as the Penalty and Forfeiture before mentioned is to go.

The Forfeit for Exhibiting the same.

And be it further Enacted by the Authority aforesaid, That if any such Under-Sheriff, Sheriffs Clerk or County Clerk, or other Person Officiating as aforesaid, after having Taken such Oath as aforesaid, shall be found Guilty or Condemned upon Indictment, or Information of having Executed the said Office or Duty of Under-Sheriff, Sheriffs Clerk or County Clerk, or Officiating as aforesaid, within the County or County of a City or Town, within Three Years before he took such Oath, such Under-Sheriff, Sheriffs Clerk, County Clerk or other Person Officiating as aforesaid, shall suffer such Pains, Penalties and Forfeitures, as a Person Condemned of wilful Perjury, by the Laws and Statutes of this Kingdom is and ought to suffer.

The Forfeiture for Officiating within Three Years.

And whereas the Under-Sheriffs and Sheriffs Clerks, in several Counties of this Kingdom, procure to themselves or some in Trust for them, a Deputation from the Clerks of the Peace and Crown of the said Counties, wherein they Officiate as Under-Sheriff or Sheriffs Clerk, and by their cunning contrivance and management, procure many persons for frivolous Matters, to be Presented by the Grand-Jury at the Quarterly-Sessions, in Order to have it more in their Power to Oppress the Country, and Issue Process against such persons, thereby to gain to themselves Fees as Under-Sheriffs.

No Sub-she-
riff or She-
riffs Clerk,
or shall Ex-
ecute the Of-
fice of Clerk
of the Peace
for the same
County.

For Remedy whereof, Be it Enacted by the Authority aforesaid, That no Under-Sheriff or Sheriffs Clerk, or any in Trust for them or to their Use, shall from and after the Sixth Day of December, One thousand seven hundred and eleven, Execute, Exercise, or in any manner Act or Officiate as Clerk of the Peace for the same County, he shall so Act as Under-Sheriff, Sheriffs Clerk or County Clerk as aforesaid, under the Forfeiture or Penalty of Five Hundred Pounds, for every time he shall so Act, Execute or Officiate, to be recovered by such person or persons who will sue for the same, in any of Her Majesty's Four Courts of Dublin, by Bill, Plaint or Information, in which no Essoign, Protection or Wager of Law shall be allowed, or more than One Imparance, and to be Distributed in manner as aforesaid.

FINIS.



